

**Comments on the CPSC ANPR on ATV Safety**

by  
Edward J. Heiden, Ph. D.

December 8, 2005

I am the President of Heiden Associates, a product safety and economic consulting firm based in Washington, D.C. Heiden Associates specializes in the application of microeconomic and statistical analysis to business and public policy issues. One of our core areas of expertise is product safety and risk assessment.

During the past few years, Heiden Associates has conducted statistical research on a number of issues relating to the risks associated with the use of ATVs, particularly by children under 16. In 2001, Heiden Associates conducted an exposure survey to determine both the number of ATVs in use and the amount of time that consumers operate them. The exposure survey was sponsored by the major ATV manufacturers and conducted in close consultation with CPSC staff. The data from this survey and the companion CPSC staff study of ATV-related injuries provide the foundation for much of the discussion of ATV injury risk issues in the Commission briefing package.

Since the exposure study, my staff and I have developed analyses of ATV operability rates; risk comparisons with other products, activities, and vehicles; an assessment of the potential benefits from improved user compliance with safety recommendations; and some comparisons of state ATV fatality rates prior to and after enactment of improved state ATV safety legislation. Many of the key results have been presented in my testimony at the May 2003 CPSC field hearing in West Virginia, testimony in March at the CPSC, and in written comments submitted for the record at the conclusion of the spring hearing.

In these comments, I reiterate, and update where possible, the core conclusions of this previous research on ATV safety and risk, which are as follows:

1. ATV injury and fatality risk has remained remarkably stable on a per-vehicle-in-use basis when risk comparisons are performed for the years (1998 through 2004 for injuries, 1999 through 2003 for fatalities) in which the risk estimates were produced from consistent sample frames and statistical methodologies. In particular, the data are clear that no significant change in injury risk has taken place since the ATV Consent Decrees expired in 1998.
2. In addition, recent trends in risk rates suggest that some progress is being made in reducing the rate of children's injuries and fatalities, relative to the number of ATVs in use.
3. Warned against behaviors, especially the failure to wear a helmet, continue to represent a significant injury and fatality risk factor;
4. The potential benefits of reducing non-compliance with safety recommendations are substantial, particularly with respect to reducing the numbers of fatalities and serious head injuries; and
5. State safety legislation regulating ATV use can potentially play an important role in reducing fatal injuries.

**Overall ATV Injury Risk has been Stable since the Expiration of the Consent Decrees.**

The 2001 CPSC staff ATV risk study appears to indicate that ATV injury risk rose on an exposure-adjusted basis between 1997 and 2001—the two years in which the most recent ATV

exposure and injury surveys were conducted. However, the NEISS system upon which the ATV injury estimates are based underwent a significant revision in 1997, and the full complement of hospitals in the new sample of reporting emergency rooms was not online until the fall of that year. During the interim period, the statistical weighting procedures used to develop national injury estimates were adjusted to account for delayed reporting from some participants, but the hospitals that came online late were not randomly distributed across geographic regions and hospital size classes. Consequently, there appears to be a consistent pattern across the entire spectrum of products under CPSC jurisdiction of larger percentage increases in estimated injuries from 1997 to 1998 than in any year since. For example, the NEISS injury estimates presented in all of the first nine CPSC hazard screening reports (including ones on power tools, outdoor activities, toys, team sports, appliances, camping equipment, consumer electronics, and housewares) show larger annual percentage increases in injuries from 1997 to 1998 than for the period since then. The injury estimates for a large majority of all specific NEISS product codes exhibit a similar pattern over this time period.

Accordingly, I believe that injury risk trends—both for ATVs and for other products—are best evaluated using estimates beginning in 1998, the first year that a full complement of NEISS hospitals in the new sample was available (and, coincidentally, the year the ATV Consent Decrees expired). With the 2004 injury estimates now available, it is clear that the injury risk associated with the use of ATVs has been essentially stable for the past six years. Measured on a per-vehicle basis (the best metric given the data available), ATV risk has fluctuated in the range between 185 and 201 injuries per 10,000 four-wheel vehicles in use during this time period and

has actually decreased slightly during each of the past three years. In fact, the 2004 rate of 188 injuries per 10,000 four-wheel ATVs in use is lower than for any year since 1998. *See* Exhibit 1.

**ATV-Related Injury Risk for Children Under 16 has Declined Steadily since the Expiration of the Consent Decrees.**

The injury risk numbers in recent years show improvement for children under 16, relative to the general ATV-riding population as a whole. This improvement is most apparent when risk is measured in terms of the ATV vehicle population, which is in my view the most appropriate measure to test for the effectiveness of efforts to restrict and regulate use of adult-sized ATVs by children under 16. Using this metric, in 2004 there were an estimated 60 ATV-related injuries to children under 16 per 10,000 vehicles in use. This represents a small decrease from the level of injury risk for children under 16 in 1998 (67 per 10,000 vehicles in use), when the Consent Decrees expired.

It is often suggested that injury risk is ideally measured on a usage-adjusted basis such as that measured by full-scale exposure surveys, rather than on a per-vehicle basis, and I would agree with that proposition in many contexts. However, the success or failure of current efforts to restrict riding of adult-sized ATVs by children under 16 can be best evaluated by examining on a per-vehicle basis the contribution that each ATV in use makes to the current level of ATV-related injuries sustained by children under 16. Specifically, if more ATV dealers, parents, and under-16 riders are complying with the ATV age and size recommendations, increased compliance will be reflected in a reduction in an injury rate measured on a per-vehicle basis,

irrespective of whether the explanation is that a lower percentage of adult-sized ATVs are being ridden by children under 16; that children under 16 are riding less frequently on adult-sized ATVs; or that there has been a secular decline in the injury risk associated with children riding on adult-sized ATVs. However, to the extent that improved compliance with the age recommendations is attributable to either of the first two of these three explanations, it will not show up in a reduced injury rate if it is measured by hours of use or number of riders for the remaining participants who ignore the ATV age guidelines and whose risk cannot be expected to fall as a result of increased compliance by others.

**ATV-Related Fatality Risk has Declined or Remained Stable since 1999.**

The CPSC staff analyses of fatalities highlight that there was a significant change in methodology for estimating ATV-related fatalities beginning in 1999. For the same reasons I previously outlined for assessing injury risk trends, it is only appropriate to examine fatality rates using estimates developed using the current statistical methodology. We have less information available on this trend, however, because the change in methodology took place one year later and because there is a substantially longer time lag before the database of incident reports becomes complete enough to develop a reliable annual estimate of ATV fatalities.

However, it appears that there are now sufficient data available for development of adequately reliable fatality estimates for the five-year period from 1999 through 2003. As Exhibit 1 shows, overall ATV fatality risk appears to have been declined somewhat since 2000, and particularly since 1999. If the current CPSC annual estimates for fatalities do not change

significantly in future reports, there were about 1.4 ATV-related fatalities per 10,000 four-wheel vehicles in use during 1999, declining to 1.0-1.1 fatalities per 10,000 vehicles in use during the three most recent years for which adequate data are available.

**Fatality Risk for Children Under 16 has also Declined or Remained Stable since 1999.**

In addition, we have examined trends in per-vehicle fatality risk for children under 16 since the Consent Decree expired. As Exhibit 1 shows, the estimated fatality rate declined by about 10 percent on a per-vehicle basis from 1999 to 2003 for children under 16.

It should be noted that assessing the per-vehicle trend in fatality risk for children under 16 has one additional complication—because of confidentiality restrictions on the publicly available database, it is not possible to determine the percentage of *estimated* fatalities sustained by children under 16, only the share of those fatalities that are actually reported to CPSC. However, the ratio of estimated fatalities to reported fatalities has declined significantly since the new methodology was implemented in 1999, and it is reasonable, in my view, to assume that ATV-related fatalities involving children are at least as likely to be reported or known to the CPSC as those involving adults.

**The Great Majority of Accidents Continue to Involve Warned Against Behavior.**

While ATV risk is clearly not increasing in recent years, there is still a great common interest in reducing injury and fatality rates from their current levels. The foundation of that effort must be a clear understanding of all of the factors that contribute to ATV accidents and

specifically, of the continuing significance of user non-compliance with ATV safety instructions and recommendations. Based on our review of hundreds of CPSC IDI reports on 1997-2002 ATV fatalities, we determined that nearly 92 percent of all ATV-related fatalities to riders regardless of age involved at least one type of warned against behavior, defined as: failure to wear a helmet, riding on a public road, drinking alcohol, passenger carrying, excessive speed, or using drugs. *See Exhibit 2.* Two or more warned against behaviors were reported in more than half of the fatalities reviewed. The most common of these behaviors was failure to wear a helmet (75 percent) followed by driving on public roads (40 percent). *See Exhibit 3.*

The CPSC briefing package contained an additional analysis limited to fatalities involving children under 16. For example, CPSC found that 93 percent of fatalities involving children under 16 occurred on ATVs with adult-sized engines, 72 percent involved children not wearing helmets (close to the percentage that we found for all riders), 45 percent involved multiple riders (compared with 28 percent in our analysis), and 25 percent occurred on paved roads.

These results help to provide a risk-factor roadmap as to where future injury and fatality reduction efforts might best be focused.

#### **There are Large Potential Risk Reduction Benefits from Helmet Use Safety Initiatives**

Both the 1998 and 2005 CPSC briefing packages have highlighted the extent to which ATV-related fatalities involve one or more warned-against user behaviors, including lack of helmet use, driving on public roads, carrying passengers, and driving after using alcohol or



drugs. However, these briefing packages have not contained any quantitative analysis that indicates the extent to which modifying these behaviors would contribute to reduced levels of fatal and non-fatal injuries. To fill in this gap, earlier this year I examined ATV helmet use patterns in the CPSC fatality and injury databases to estimate the potential benefits of reduced rates of warned-against behaviors (in terms of reduced numbers of fatal and non-fatal injuries) and determine the extent to which improvements in state ATV safety legislation could be expected to achieve these reductions. Helmet use was selected in part because the benefits of use are more specific (reduced head-related fatalities and injuries) and in part because there are a number of studies on the safety impact of helmet use both for ATVs and for other types of vehicles.

Nearly half of all ATV-related fatalities resulted from fatal head injuries sustained by riders who were not wearing helmets, according to the most recent CPSC fatality database. Non-fatal head injuries sustained by riders without helmets accounted for nearly 20 percent of all non-fatal injuries that resulted in hospitalization. The extent to which these head injuries can be reduced depends on two factors—the effectiveness of helmets in reducing fatal head injuries and the ability of state safety laws to result in modified user behavior with respect to wearing helmets.

CPSC Economist Greg Rodgers has previously examined the potential benefits of helmet use for ATV riders. In a 1990 article, Rodgers uses data from the 1989 exposure and injury studies and a then-current version of the fatality database to estimate logistic regression models

for fatal and non-fatal head injuries.<sup>1</sup> As an initial step in his analysis, Rodgers calculated the probability that an injured rider would sustain a fatal injury, and thence found that helmet use is associated with a 42 percent reduction in fatality risk from accidents that involve an injury. Rodgers also found in his 1990 study that helmet use is associated with a 64 percent reduction in the risk that a non-fatal injury will involve the head in his 1990 study.

Research on the relationship between state safety laws and seat belt use—a risk-reducing behavior comparable to helmet use for passenger vehicles—indicates that as much as 40 percent of user non-compliance with safety instructions can be eliminated through stronger and more consistently enforced state safety requirements.<sup>2</sup> If consistent state adoption and enforcement of ATV legislation requiring helmet use can achieve this level of reduction in non-compliance, the results would be substantial reductions in the numbers of fatal and non-fatal head injuries sustained by ATV riders—50 fatalities, more than 600 hospitalized injuries, and over 2,200 other ER-treated injuries—annually. *See Exhibit 4.*

### **State Safety Legislation Can Have a Significant Impact on ATV Injuries Involving**

#### **Children**

I have also examined the impact that actual state legislation, when in place and enforced, can have on the numbers of ATV-related injuries involving child (under 16) riders. Based on my

---

<sup>1</sup> Rodgers, Gregory B., “The Effectiveness of Helmets in Reducing All-Terrain Vehicle Injuries and Deaths,” *Accid. Anal. & Prev.*, 1990, Vol. 22, No. 1, pp. 47-58.

<sup>2</sup> “Safety Belt Use in 2003—Use Rates in the States and Territories,” National Center for Statistics and Analysis, National Highway Traffic Safety Administration, DOT HS 809 713, March 2004.

analysis, it appears that state legislation can make a meaningful difference in reducing ATV injuries and fatalities.

In a previous analysis, I examined fatality rates in three states, Kentucky, New Jersey, and Texas that enacted state legislation to regulate the use of ATVs by children under the age of 16. Kentucky's law prohibits the operation of an ATV with an engine size greater than 90cc by a child under the age of 16. Ky. Rev. Stat. Ann. § 189.15(5)(a) (2002). New Jersey prohibits operation of an ATV on public lands by a child under the age of 14 and operation of an ATV over 90cc on public lands by a person under 16. N.J. Stat. Ann. § 39:3C-16(a), (b) (2002). The Texas law requires adult supervision of all ATV operators under the age of 14.

Using the most recent data now available, the percent of fatalities in Kentucky sustained by riders under 12 has declined from 26 percent pre-law to 7 percent after the law was enacted. *See Exhibit 5.* The percent of fatalities for riders under 16 declined from 55 percent pre-law to 19 percent after the law. Both results are statistically significant at the 95 percent confidence level. In New Jersey, the fraction of fatalities in the state involving riders under 14 declined from 19 percent to 4 percent. The decrease in fatalities involving riders under 16—from 31 percent to 12 percent—was statistically significant at the 95 percent confidence level. In Texas, the percent of fatalities to riders under 14 declined from 41 percent pre-law to 22 percent after the law (the previous Texas analysis cannot be updated because of new privacy restrictions on case records). This result in Texas is also statistically significant at the 95 percent confidence level.

Although the extent to which the state laws (as opposed to other factors) accounted for these decreases cannot be quantified with precision, these data suggest that such state laws can have a meaningful effect in reducing ATV-related fatalities and injuries involving children.

These same positive effects have been observed with other state laws regulating the use of motorized vehicles by children. For example, in 1996, Florida enacted a law prohibiting the use of personal watercraft by children under 12. Fla. Stat. Ann. § 327.395. The percentage of personal watercraft-related accidents involving children in Florida declined over 50 percent after enactment of the statute, from 24 in 1996 to the low teens (13 to 15) in 1997 through 2000, even while the number of personal watercraft in use continued to increase each year.<sup>3</sup> These data again suggest that effective enforcement of state age restrictions on product usage can significantly reduce the number of injuries and fatalities involving children.

---

<sup>3</sup> Personal watercraft-related accidents are reported to and compiled by the Florida State Boating Law Administrator. Although Florida and some other states compile data on personal watercraft-related accidents, no comparable state-level data is compiled for ATV-related accidents. The NEISS database used by CPSC compiles accident data on a national basis, which unfortunately does not permit a similar analysis of ATV-accident reductions in states that have enacted ATV age restriction legislation.

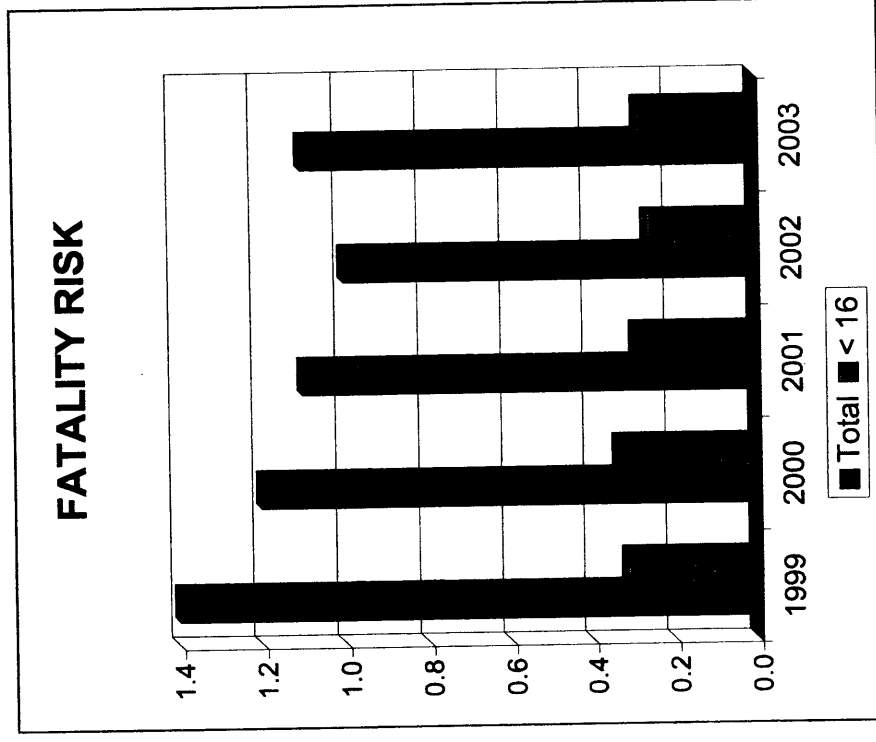
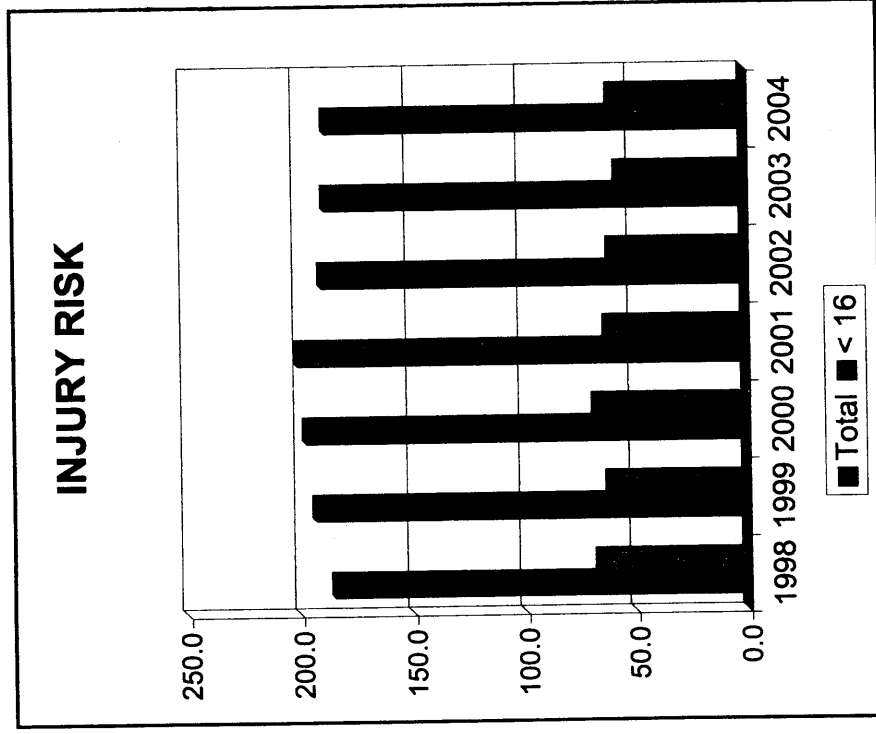
**Exhibit 1**  
**4-Wheel ATV Injury & Fatality Risk per Vehicle**

Year	Injuries per 10,000 ATVs		Fatalities per 10,000 ATVs	
	Total	< 16	Total	< 16
2004	187.9	60.4	NA	NA
2003	188.4	57.0	1.1	0.28
2002	190.0	60.7	1.0	0.26
2001	200.9	62.6	1.1	0.29
2000	197.2	68.0	1.2	0.34
1999	193.0	61.9	1.4	0.32
1998	184.7	66.6	*	*

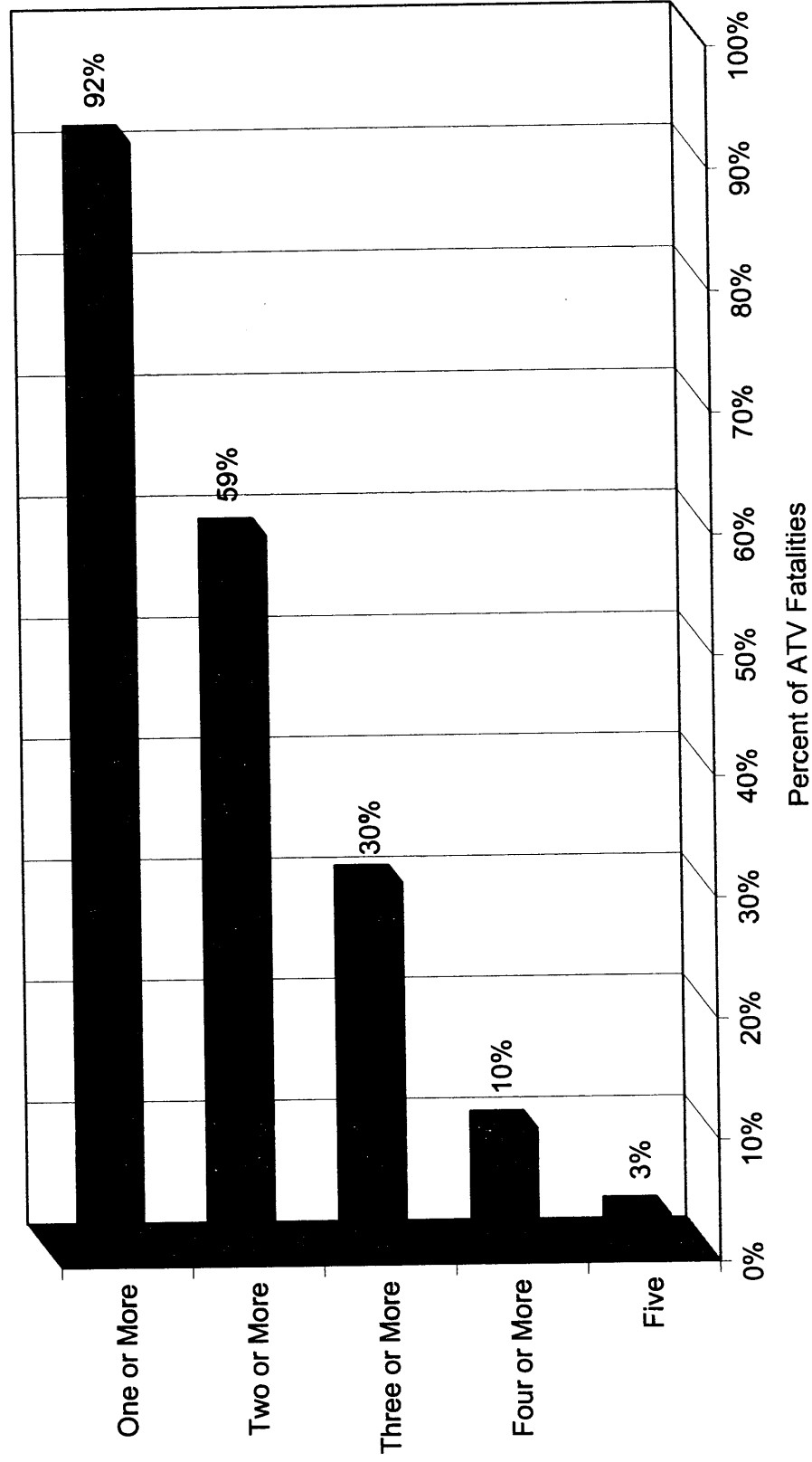
\*Comparable estimates not available. Fatalities in 1998 were coded under a different classification.

Source: "2004 Annual Report of ATV Deaths and Injuries", CPSC, September 2005.

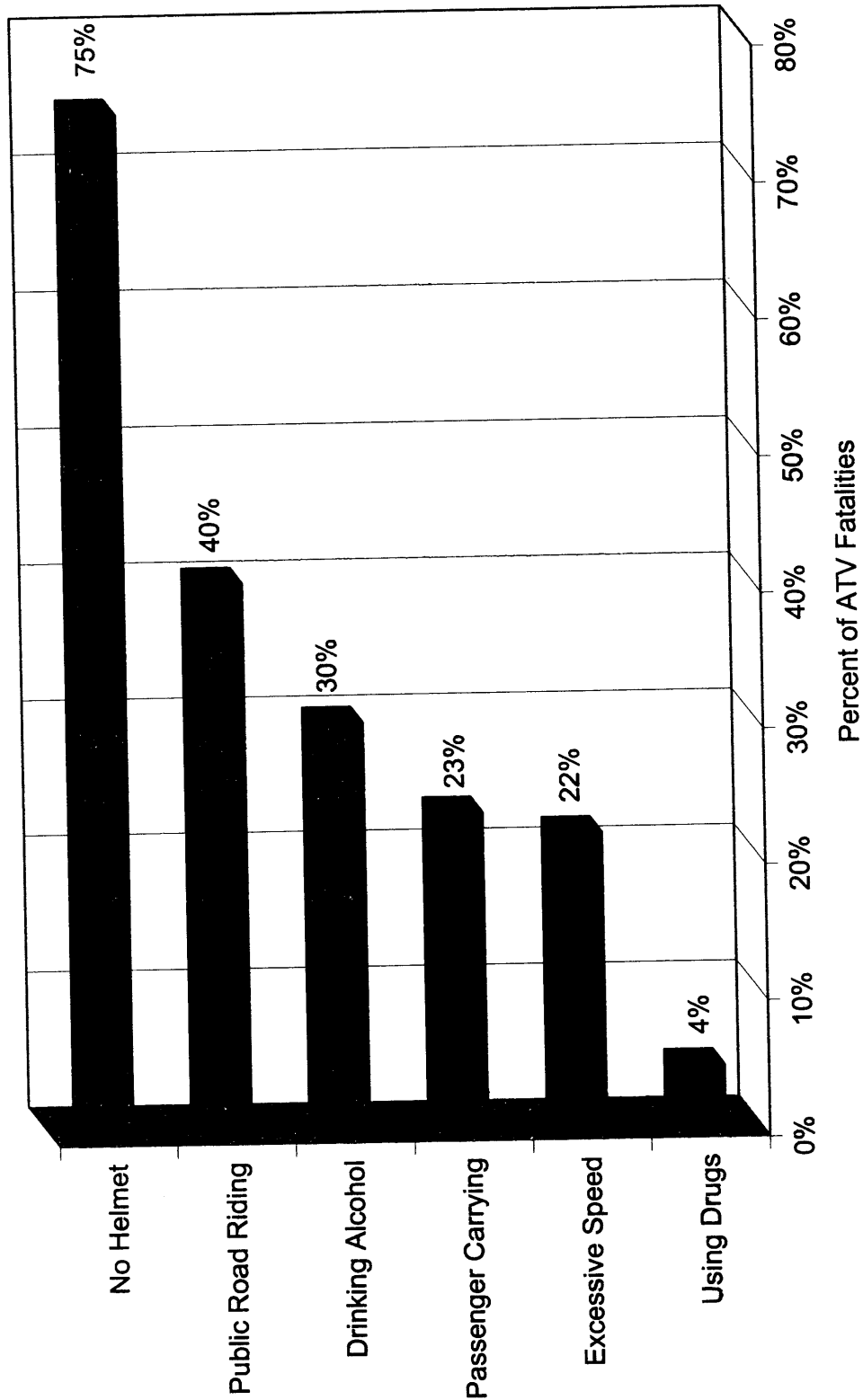
**EXHIBIT 1**  
**ATV INJURY AND FATALITY RISK PER 10,000 VEHICLES**



**EXHIBIT 2**  
**NUMBER OF FACTORS INVOLVED IN**  
**1997-2002 ATV FATALITIES**



**EXHIBIT 3**  
**FACTORS INVOLVED IN 1997-2002 ATV FATALITIES**



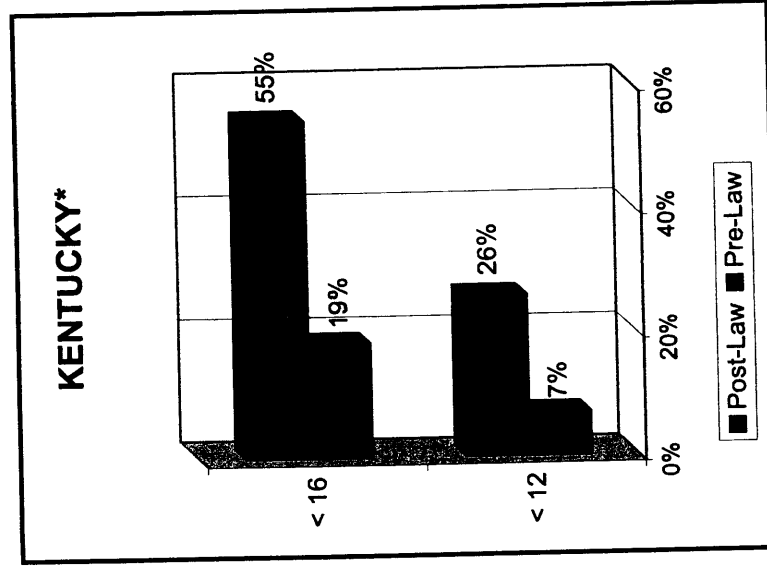
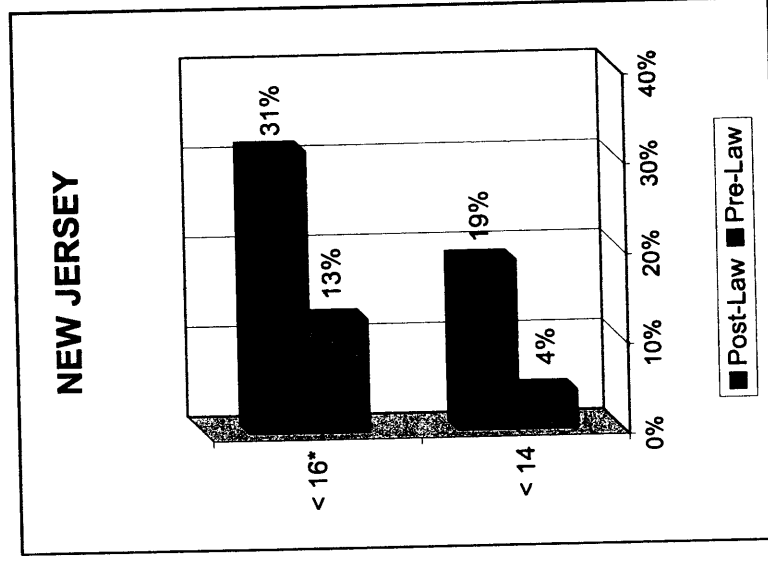
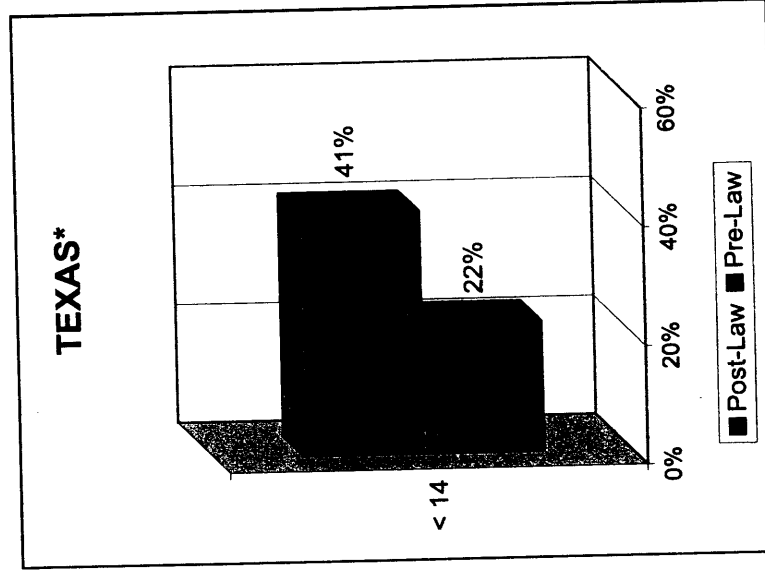


**Exhibit 4**  
**Potential Safety Benefits from Increased ATV Helmet Use**  
(Annual Reductions at 2001 Fatality/Injury Levels)

	Fatal Injuries	Non-fatal Injuries		
		Hospitalized	Other	Combined
Total Injuries in 2001	<b>609</b>	<b>13,500</b>	<b>96,600</b>	<b>110,100</b>
% Head Injuries*	56%	23%	11%	12%
Head-Related Injuries	338	3,060	10,340	13,400
% Helmet Worn	13%	17%	16%	17%
Head-Related Injuries w/ Helmet Use	42	523	1,706	2,229
w/o Helmet Use	296	2,537	8,634	11,171
% of Injuries Potentially Averted w/ Helmet Use	42%	64%	64%	64%
<b>Number of Potentially Avertable Head Injuries</b>	<b>124</b>	<b>1,624</b>	<b>5,526</b>	<b>7,150</b>
% Reduction in Non-Compliance from Upgraded Safety Laws	40%	40%	40%	40%
<b>Projected Reduction in Injuries from Upgraded Safety Laws</b>	<b>50</b>	<b>650</b>	<b>2,210</b>	<b>2,860</b>

\* Head injuries coded as bodypart 75; face, eye, and mouth injuries are not included in these totals.

# **EXHIBIT 5** **PRE- AND POST-LAW PERCENTAGES OF ATV FATALITIES TO CHILDREN**



\*Significant at 95% confidence level.



**SYNOPSIS**

A seven-year-old girl died and a fourteen-year-old boy was severely injured when the ATV's they were riding, in a farm field, crashed into each other. No safety equipment was being worn.

**PRE-INCIDENT**

The seven-year-old girl had ridden on ATV's before but only accompanied by an adult. The fourteen-year-old boy had previously ridden the ATV he was driving. The unit was rated for sixteen-year-old riders and above. Neither child was wearing any protective equipment.

The children were at a party at a friend's house. The girl asked her mother for permission to ride the ATV and her mother refused permission. The child disobeyed her mother and rode the ATV while her mother was busy elsewhere.

The children, and occasionally an adult, at the party were taking turns riding the ATV's. The ATV's were riding on a nearly flat, mowed path in a grass field. Each person would ride a unit northbound up the path and then return southbound. They would stop at the end and let another person ride the unit. The engine was not turned off. This pattern of riding required the units to pass one another on the path.

The ATV's were in good mechanical condition. Nobody reported any problems with the units before the crash. The girl was described as being "tiny" in stature.

The boy was driving his unit Southbound and the girl was going Northbound. The speed of the units is unknown. The girl was apparently traveling in the middle of the trail and saw the boy's unit approaching. The boy apparently knew they were about to crash and swerved left. The girl swerved to her right into the path of the boy's approaching unit.

**INCIDENT**

The boy, on the much larger ATV, struck the girl's ATV on the left side. Both riders were thrown from the units and the coroner stated that one of the units must have landed on the girl. The smaller ATV was knocked backward.

**POST INCIDENT**

The bystanders ran to the aid of the children. The girl was not breathing and was turning blue. CPR was initiated. The boy was still breathing but was also unconscious.

The girl was pronounced dead at the hospital. She had received multiple fractures to the left arm, left leg and spine (neck area). The boy sustained head and neck injuries but survived.

According to the police report, the smaller ATV was destroyed. The front tire on the left side was knocked off. The seat was knocked off and the engine was destroyed. The larger ATV had heavy damage to the front frame and radiator.

### **PRODUCT IDENTIFICATION**

ATV #1 (7-year-old girl's unit) = E-ton DXL 90, red and gray, 4 wheel (Quad) ATV. 90 cc. SN F4309-5EAO-0000. This unit weighs approximately 280 pounds and is rated for riders between 6 and 12 years. E-Ton Corp., 352 Lanham Circle, Spartanburg, SC 29307.

ATV #2 (14-year-old boy's unit) = Polaris Sportsman 500 (Red-1999. 499cc) Quad ATV, VIN# 4XACH50934A165534. This unit weighs approximately 700 pounds. According to a newspaper report it is rated for age 16 and older. Polaris Industries, Inc., 1225 T Hwy, 169 N, Minneapolis, Minnesota 55441.

### **ATTACHMENTS**

Police report  
Interview questionnaire

### **PERSONS INTERVIEWED**

Investigator on scene

Oct 17 00 02:43p

SFG

513-674-9222

p.3

000911 HCN0477

# ERIE COUNTY SHERIFF'S OFFICE - 2800 Columbus Avenue, Sandusky, OH. -- 419-825-7951

INCIDENT 8-96

Incident Rpt <input checked="" type="checkbox"/> Supplement <input type="checkbox"/>	Day, Date and Time of Report Monday 9-4-2000 1701	Complaint No. 00-9789	Unit # 728	Classification Death Investigation
Location of Occurrence Field approx. 1.5 miles behind [redacted]		Township Florence		
Complainant's Name 911 Call [redacted]	Sex [redacted]	Race [redacted]	D.O.B. [redacted]	SSN [redacted]
Complainant's Address [redacted]	Place of Employment [redacted]		Res. Phone [redacted]	
Reporting Person's Name S/A Above	Sex [redacted]	Race [redacted]	D.O.B. [redacted]	SSN [redacted]
Reporting Person's Address [redacted]	Place of Employment [redacted]		Bus. Phone [redacted]	
INVOLVED	Witness Name [redacted]	S M	R W	D.O.B. 3-7-57
	Suspect Name [redacted]	S M	R W	D.O.B. 11-8-34
	Address [redacted]	SSN [redacted]		
	Where Employed - School Attending Ford Motor Co	Phone [redacted]		
Offense [redacted]	O.R.C. # [redacted]	Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No	Use <input type="checkbox"/> Unknown
Cite <input type="checkbox"/> Summons <input type="checkbox"/> Arrest <input type="checkbox"/>	Offense [redacted]	O.R.C. # [redacted]	Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No
Cite <input type="checkbox"/> Summons <input type="checkbox"/> Arrest <input type="checkbox"/>	Offense [redacted]	O.R.C. # [redacted]	Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No
Cite <input type="checkbox"/> Summons <input type="checkbox"/> Arrest <input type="checkbox"/>	Offense [redacted]	O.R.C. # [redacted]	Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No	Alcohol <input type="checkbox"/> Yes <input type="checkbox"/> No
VEH. COLOR Red	YEAR 1999	MAKE Polaris	MODEL Sportsman 400	BODY STYLE Quad ATV
LIC. NO. & STATE [redacted]		VIN 4XACH50		134A165534
Vehicle Number 2 Red and Gray E-Ton dxl 90 (Serial Number F4307-5EAO-0000) Quad ATV		Operator of Unit Number Two (Reported Deceased at 1744 on 9-4-00 at Lorain Community Hospital)		
DOB 6-12-93 Ph [redacted] Multiple Trauma Injuries				
Mother; [redacted] same address and phone listed above				
Father; [redacted] living in Bowling Green Ohio				
Operator of Unit Number One				
DOB 8-18-86 Ph [redacted]				
At 1200 on 9-4-2000 victim was reported in critical condition from multiple injuries at Cleveland Metropolitan Hospital				
Parents; [redacted] same address and phone listed above				
Responded to [redacted] on a private property accident with injuries involving ATV'S. Upon arrival the above listed ATV'S and drivers were located approx. 1.5 miles behind [redacted]				
[redacted] was giving CPR to [redacted] and continued until the arrival of the Florence Twp Fire Department. [redacted] is deputy Fire chief in [redacted]				
[redacted] was lying on the ground east of the involved ATV'S. She was not breathing and her face was turning blue. She had other visible injuries				
[redacted] was lying on the ground south of the involved				
Total Loss Value	Prop. Location	Assisting Ofc./Agency	Referred to	Items Attached
Date - Time Written 9-4-2000 2240	Reporting Officer - No. damian Houtz	728	Approved by [redacted]	Copies to D. R.
				Page 1 of 2

ERIE COUNTY SHERIFF'S OFFICE - 2800 Columbus Avenue, Sandusky, OH. - 419-825-7951  
NARRATIVE 8-96

Incident Rpt <input checked="" type="checkbox"/> Supplement <input type="checkbox"/>	Day, Date and Time of Report		Complaint No.	Unit #	Classification
Other <input type="checkbox"/>	Monday 9-4-2000 1701		00-8789	728	Death Investigation
Location of Occurrence					
Field 0.002 miles behind [redacted]					
Complainant	Residence	D.O.B.	SSN	Address	Relationship
911 call	[redacted]	[redacted]	[redacted]	[redacted]	Florence
Reporting	S/A Above	D.O.B.	SSN	Address	Res. Phone
					[redacted]
					Res. Phone
					[redacted]

ATV'S. He was unconscious but had a pulse and was breathing. Subjects at the scene were assisting in keeping the victim still. Life Flight responded to the scene and transported him to Cleveland Metro Health.

Spoke with [redacted] and [redacted] who witnessed the accident. They were standing behind the residence at [redacted]. They advised [redacted] was driving E-Ton del 90 and north in a lane in a field behind the residence. [redacted] was driving the Polaris and Southbound in the field behind [redacted] near the lane that [redacted] was driving on. [redacted] then drove southeast as to avoid [redacted] but [redacted] then drove northeast into [redacted].

The impact of the crash knocked the E-Ton backwards. Both riders were thrown from the vehicles. Neither operator were wearing helmets.

The E-Ton was destroyed. The front tire on the left side was knocked off. The seat was also knocked off and the engine was destroyed. Parts from both ATVs were all over the crash scene.

The Polaris had heavy damage in the front frame and radiator area.

[redacted] advised he shut off the Polaris as it was still running.

The ATVs are owned by [redacted]. He is also the owner of the house and property at [redacted]. His cell phone number is [redacted].

Sgt Sigworth responded to the scene and assisted in the investigation.

DOB 2-6-68 Ph [redacted] (to leave message only) Not employed.

Total Loss Value	Prop. Location	Arrest	O.R.C.#	Referred to	Items Attached	Copies to
Date - Time Written	Reporting Officer - No.			Approved by		Page 2 of 2
9-4-2000 2240	Abraham 2 North 728			[redacted]		

# ERIE COUNTY SHERIFF'S OFFICE 2800 Columbus Avenue; Sandusky, OH 44870 419-625-7951

## NARRATIVE

Incident Rpt	Supplement	Day, Date, Time of Report	Complaint No.	Unit#	Classification
	X	Mon/09-04-00/1701	00-8789	728	Death Investigation
Location of Occurrence					
Field behind [REDACTED]					
Complainant	Race/Sex	D.O.B.	S.S.N.	Address	Res. Phone
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Reporter	Race/Sex	D.O.B.	S.S.N.	Address	Res. Phone
s/a complainant	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

I responded to the scene of this ATV crash to assist Deputy Kautz. Upon arrival, I learned that [REDACTED] had been transported to Community Health Partners—Western Campus in Lorain to be sent via medical helicopter to MetroHealth Medical Center in Cleveland. She was reported to have suffered life-threatening injuries. [REDACTED] was in the rear of a North Central EMS ambulance and MetroHealth Lifelight was on the scene. The paramedics were stabilizing [REDACTED] prior to his being transported to MetroHealth via the helicopter. I was advised that he had suffered a serious head injury.

Deputy Kautz advised that his preliminary investigation had revealed that there was a party at the residence for Labor Day. Numerous friends and family members of the homeowner, [REDACTED] Jr., were present. The ATV's involved in the crash were also owned by Samples. It was learned that family members and guests were taking turns riding the ATV's. There is a lane that runs north several hundred yards from the rear of [REDACTED] home toward the Ohio Turnpike, which is north of the residence. Deputy Kautz advised that witnesses had reported that [REDACTED] had driven the larger ATV, identified as a Polaris Sportsman 500, north and was southbound along the lane. [REDACTED] had driven the smaller ATV, identified as an E-Ton, northbound along the same lane. [REDACTED] had veered his ATV to the east to avoid a potential collision with [REDACTED]. [REDACTED] had veered in the same direction and the witnesses saw the vehicles collide in the field east of the lane. The witnesses and others in the residence immediately rendered aid to both of the children. It was reported that neither of the victims was wearing a helmet or any other protective clothing.

It appeared that the Polaris had directly broadsided the E-Ton on the left side of that vehicle. The E-Ton had sustained serious and disabling damage as narrated in Deputy Kautz's report.

There was no indication at that time that alcohol usage or any other illegal conduct had contributed to the accident.

[REDACTED] was removed from the scene via helicopter. I then secured from the residence.

September 4, 2000/approx. 2000 hrs.:

I had learned that [REDACTED] had been pronounced dead at Community Health Partners prior to being transported to Cleveland. I spoke with a Dr. James Cohen, deputy coroner from Lorain County who advised that [REDACTED] had been pronounced dead at 1744 hrs. Dr. Cohen advised that [REDACTED] had sustained multiple fractures, including fractures of the left arm, leg, and spine. He advised that [REDACTED] had probably died instantly when the ATV's collided. I was advised that Dr. Paul Matus, the Lorain County Coroner, would examine the body on September 5, 2000. In checking with MetroHealth, it was learned that [REDACTED] was in critical condition in the pediatric intensive care unit. He had sustained head and neck injuries.

Total Loss Value	Prop. Location	Arrest	Referred to	Name Attached	Copies to
Date-Time Written	Reporting Officer-No.	Approved by			
10-13-00/1200	Sgt. Paul A. Sigsworth 715	[Signature]			



# ERIE COUNTY SHERIFF'S OFFICE 2800 Columbus Avenue; Sandusky, OH 44870 419-625-7951

## NARRATIVE

Incident Rpt	Supplement	Day, Date, Time of Report	Complaint No.	Unit#	Classification
	X	Mon/09-04-00/1701	00-8789	728	Death Investigation
Location of Occurrence					
Field behind [REDACTED] Township					
Complainant	Race/Sex	D.O.B.	S.S.N.	Address	Res. Phone
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Reportee	Race/Sex	D.O.B.	S.S.N.	Address	Res. Phone
s/a complainant	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Tuesday/September 5, 2000/1400 hrs.:

I contacted [REDACTED] the victim's mother, at [REDACTED] mother's home in [REDACTED] via telephone. I had been unable to interview [REDACTED] prior to this. [REDACTED] was very emotionally upset during our conversation. I questioned [REDACTED] about the events that led up to her daughter's death. [REDACTED] advised that [REDACTED] was familiar with ATV's as one of [REDACTED] uncles—[REDACTED] (sp?)—in the Toledo area owns an ATV and [REDACTED] has ridden on that vehicle accompanied by adult several times in the past. [REDACTED] advised that [REDACTED] had asked her during the party if she could ride one of the ATV's at the home. [REDACTED] advised that she told [REDACTED] that [REDACTED] could not ride the ATV's by herself as there was no protective equipment—such as a helmet—at the residence. [REDACTED] advised that she had gone in the house for a few minutes just prior to the crash. [REDACTED] reportedly disobeyed her mother, got onto the ATV, rode it down the lane, and became involved in the fatal crash. [REDACTED] advised that she did not know that her daughter was on the ATV until she was told about the crash.

Friday/September 22, 2000/1610 hrs.:

I had learned that [REDACTED] had been released from MetroHealth Medical Center. I contacted his mother, [REDACTED] to advise her that I wished to speak with [REDACTED]. [REDACTED] advised that [REDACTED] has no recollection of the crash, nor does he have any recollection of most of the events of the day in question. [REDACTED] did advise that various children at the residence were taking turns riding the ATV's most of the day. She advised that her son was experienced in [REDACTED] as she advised that he has been [REDACTED] home several times riding them over this past summer.

I have also recon acted both of the witnesses to confirm their statements. Both have confirmed that children at the party were taking turns and riding the vehicles continuously. A "turn" generally consisted of riding the vehicle to the end of the path, turning it around, and riding it back to the house. The motors on the vehicles were kept running, as one rider would get off and another would immediately get on and ride away. The witnesses advised that this was the case with [REDACTED]. Another child had ridden the E-Ton back to the house and had gotten off of the machine. [REDACTED] immediately got onto the E-Ton and rode away. Both witnesses advised that they saw [REDACTED] veer off of the path in an attempt to avoid a collision with [REDACTED]. However, [REDACTED] veered in the same direction and the vehicles subsequently collided.

I have received the coroner's verdict from Dr. Mates' office. He ruled that [REDACTED] death was accidental in nature due to multiple neck and trauma.

The Erie County prosecutor, Kevin Baxter, was contacted. The investigative details and witness statements have been discussed with him. There will be no criminal charge filed in this matter.

Total Loss Value	Prop. Location	Arrest	Referred to	Same Attached	Copies to
Date-Time Written	Reporting Officer-No.	Approved by			
10-13-00/1200	Sgt. Paul A. Sigsworth 715	[Signature]	Page 2 of 2		

TASK NUMBER 000111 (N047)

\*\*\*\*\*

## ALL TERRAIN VEHICLE (ATV) TELEPHONE INTERVIEW QUESTIONNAIRE

This telephone interview questionnaire is to be used for the telephone follow-up investigation of all terrain vehicle (ATV) deaths. Please record on the chart below, each attempt to establish contact with the investigating officials or other knowledgeable party(ies).

## RECORD OF CALLS

Date Day of Wk Time Result Date Day of Wk Time Result

10/2/87 M 11:30 CONTACT

\_\_\_\_\_ \*

\_\_\_\_\_ \*

## Key for result:

NWN = Non-working number

REF = Respondent refused interview

WN = Wrong Number

NA = No Answer

C = Completed

CB = Call Back

LB = Line Busy

R = Recording

\*\*\*\*\*

Introduce yourself and the investigation program in the following manner:

Hello. My name is \_\_\_\_\_. I am working with the U.S. Consumer Product Safety Commission. Did your agency investigate an ATV fatality that occurred on or about \_\_\_\_\_ (date)

in \_\_\_\_\_ (city) \_\_\_\_\_ (State)

May I speak with the investigating official?

When you have reached an appropriate respondent,

We are trying to learn more about how and why ATV incidents occur so we can help others avoid similar ones. Would you share the information you gathered in your investigation of the ATV fatality that occurred on (refer to the incident referenced above)? This should only take a few minutes of your time.

(If desired respondent is not available, ask when would be a good time to contact him/her and record the suggested call back time. If respondent is available, continue with the interview).

Interviewer: Check type of respondent:

Police Department ☒ Coroner's Office \_\_\_\_\_ Other, specify \_\_\_\_\_

TASK NUMBER 000911HCN0477

**INTERVIEWER:** When the response to a particular question is unknown, please leave blank.

1. What type of vehicle was involved in the incident? \_\_\_\_\_

(If vehicle is not an ATV, or if ATV has more than 4 wheels, politely thank respondent for her/his cooperation and terminate interview.)

- 1= a 3 wheeled ATV  
 2= a 4 wheeled ATV  
 3= ATV with unknown number of wheels  
 4= a 2 wheeled motorcycle  
 5= Dune Buggy  
 6= Other Vehicle

2. What is the manufacturer/brand name of the ATV(s) involved in the incident? If more than two ATVs, use an additional sheet.

ATV #1	ATV #2
Manufacturer: <u>08</u>	Manufacturer: <u>05</u>
01=Honda	02=Yamaha
03=Suzuki	04=Kawasaki
05=Polaris	88=Other

3. What is the model name or number and/or vehicle identification number (VIN) of the ATV?

#1 Model Name/Vin Number: DXL 90 1F4309-5EAD-0000  
 #2 SPORTSMAN 500 4XACH50934A163534

4. What is the Model year of the ATV? (Record last two digits of model year. For example 89, 90)

#1 Model year: UNK  
 #2 99

5. What is the Engine Size (in CCs) of the ATV?

#1 Engine Size: 50 CC  
 #2 499 CC

6. Was there more than one death involved in this incident? If more than two individuals were killed use an additional sheet.

	Death #1	Death #2
Age/Sex	<u>71 F</u>	<u>1</u>
Date of Death	<u>9/4/00</u>	
State of Death	<u>OHIO</u>	
City of Death	<u>BERLIN HTS, OH</u>	
County of Death	<u>FLORENCE</u>	

TASK NUMBER 000911HCN0477

7. Describe how the incident occurred. (Use additional sheets if

necessary.) TWO ATU'S APPROACHED IN FIELD. BOTH  
TURNED SAME WAY TO AVOID COLLISION

8. Did the ATV overturn/tipover/rollover? Yes ☒ No

9. If ATV overturned/tipped over/rolled over, did it land on the victim?

Victim 1:

Victim 2:

Yes No

Yes No

10. Who was killed in the incident? Check all that apply.

1=Driver ☒ 2=Passenger        3=Bystander       

4=Driver/Other Vehicle        8=Other       

11. Was the victim wearing a helmet at the time the incident occurred?

Victim 1:

Victim 2:

Yes No ☒

Yes No ☒

12. How many riders (including the driver) were on the ATV at the time the incident occurred?

1=One rider ☒

2=Two riders       

3=Three riders       

4=Four or more riders       

TASKNUMBER 000914CN0477

13. List the following physical characteristics of the driver of the ATV:

Age 7 Height (ft.        in.       ) UNKNOWN

Weight        Sex 2 (1=male, 2=female)

14. How did the driver learn to operate an ATV (READ LIST)

1. Organized training program ->>>>> What was the name of the training sponsor?

Was this training arranged through the dealer as part of the purchase agreement?

No       

Yes

Don't Know \_\_\_\_

2. trained by ATV dealer/Salesperson \_\_\_\_

3. trained by friend/relative &gt;&gt;&gt;&gt;(Specify age) \_\_\_\_

4. self taught \_\_\_\_

5. other(specify) RAID ON UNIT WITH ADULT.

9. don't know \_\_\_\_

15. What was the type of terrain (ground surface) being travelled at the time the incident occurred?

01=Forest \_\_\_\_

02=Desert \_\_\_\_

03=ATV Track \_\_\_\_

04=Snowmobile Trail \_\_\_\_ 05=Swampland/marshland \_\_\_\_

06=Sand/Shallow Water \_\_\_\_ 07=Field ☒

08=Paved Road \_\_\_\_ 09=Non-paved Road \_\_\_\_ 10=Snow/Ice \_\_\_\_

11=Yard/Driveway \_\_\_\_ 12=Railroad Bed \_\_\_\_

14=Storm Drain/canal \_\_\_\_ 15=Paved parking lot \_\_\_\_ 88=Other \_\_\_\_

16. Type of road being travelled by ATV when incident occurred

01=Public road \_\_\_\_ 03=Private road \_\_\_\_ 05=Road (Nothing else known) \_\_\_\_ 09= NA (Not a road) \_\_\_\_

TASKNUMBER 00911 HCN0477

17. Identify any other motor vehicle(s) involved in this incident.

01=Car \_\_\_\_ 02=Truck \_\_\_\_ 03=Motorcycle \_\_\_\_ 04=Dune Buggy \_\_\_\_

05=Go Cart \_\_\_\_ 06=ATV ☒ 07=Train \_\_\_\_ 08=Other \_\_\_\_

09=Not a traffic incident \_\_\_\_

18. Had the driver of the ATV used alcohol just prior to the incident?

Yes \_\_\_\_ No ☒

19. Had the driver taken any drugs or medication just prior to the incident?

1=Yes, Drugs \_\_\_\_

2=No Drugs ☒

3=Yes, Medication \_\_\_\_

4=No Medication ☒

(You should end the investigation by asking this question).

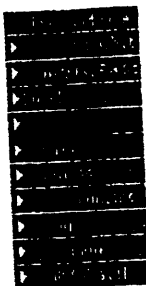
20. If we need additional information on this incident, may we call you back?

No \_\_\_\_ Yes ☒

If yes, ask: What is the best time of day to contact you?

Day of Week P Time of Day \_\_\_\_ AM/PMSHIFTS VARY

DOI #000911HCN0477  
G009 0045A



Marketplace  
Find Jobs, Cars,  
Homes & More!

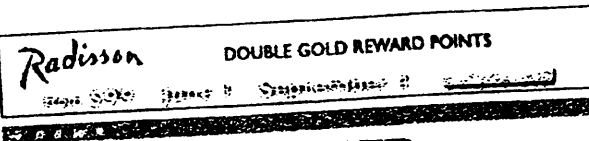
## NEWSLETTERS

> [News](#)  
> [Business & More!](#)

Our  
Advertisers  
How to Advertise

About Us  
C/L Awards  
Job Opportunities  
User Guide  
Contact Us  
User Agreement  
Privacy Policy

© 2000  
Cleveland Live  
All rights  
reserved



## THE PLAIN DEALER

## Girl killed, boy hurt in crash of ATVs

Collision is latest in rising number

Wednesday, September 06, 2000

By JENNIFER GONZALEZ

PLAIN DEALER REPORTER

Lauren Kirk, 7, split the long Labor Day weekend among friends and family.

She spent part of it with her father, Michael Kirk, in Tontogany, outside Toledo. On Monday, she visited her uncle's home in Florence Township, in Erie County.

There, Lauren and 14-year-old Edward C. Guggenbiller Jr. of Lorain were riding all-terrain vehicles when the holiday came to a tragic end. The two smashed almost head-on, killing Lauren and critically injuring Edward.

Theirs was the latest in a rising number of ATV-related accidents across the country, a trend that has baffled national safety experts because they are not sure whether the cause is a rise in ATV use.

Michael Kirk, Lauren's dad, didn't care about statistics yesterday. He missed his daughter, whom he described as a tiny blonde with blue eyes.

"She was very energetic and outgoing," Kirk said. "She was always smiling. She loved to be with other kids."

Labor Day weekend was the last weekend he would see his daughter. He returned Lauren to her mother, Tina Kirk, on Sunday night. Lauren's parents divorced six months after she was born.

Edward's father is a friend of Lauren's uncle,  
<http://www.cleveland.com/news/index.ssf?/news/pd/cc06atv.html>

## INSIDE News

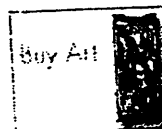
> [NewsFlash](#)  
> [Weather](#)  
> [Traffic](#)  
> [HomeTown](#)  
> [Obituaries](#)

AutoStore



ISSUE 52

SEP 18 2000



## MARKETPLACE

>  
>  
>  
>  
>  
>

09/06/2000

William Samples, who owns the land where they were riding the ATVs.

According to police, Lauren was riding north on a path in the field, and Edward was headed south on the same path about 5 p.m.

Sgt. Paul Sigsworth of the Erie County Sheriff's Office said Edward veered left to avoid hitting Lauren, but Lauren veered in the same direction. Sigsworth said Edward's ATV hit Lauren's on the left side.

Sigsworth said both children were tossed from their vehicles. Neither wore a helmet.

Lauren, of Walbridge in Wood County, was taken by ambulance to Community Health Partners Hospital in Lorain, where she was pronounced dead. Lorain County Coroner Paul Matus, said part of the ATV landed on her and she suffered severe injuries.

Edward, of E. 42nd St. in Lorain, was taken by helicopter to MetroHealth Medical Center in Cleveland. He suffered a spinal cord injury and was listed in critical condition yesterday.

A total of 248 people were killed in ATV-related accidents in 1998, according to the U.S. Consumer Product Safety Commission. Last year, 153 died - and since 1982: 3,716.

Commission spokesman Ken Giles said he expected the 1999 figures to increase because the commission sometimes does not find out about deaths until a year or two later.

The number of people hurt in ATV accidents has risen steadily since 1993, when 32,000 were injured. Last year, 71,300 people were hurt, 20 percent more than the year before. The increases occurred across all age categories, Giles said.

"It is hard to determine why there is an increase," he said. "An increase in sales might be the explanation, but we are not sure. What we do know is that ATVs do carry risk. They are not toys. They are a risky product that should be driven by older children."

He said the commission does not recommend that children under 12 ride an ATV.

"Young children do not have the ability to foresee a risk and take preventive actions," Giles said. "That kind of thinking comes with

<http://www.cleveland.com/news/index.ssf?/news/pd/cc06atv.html>

09/06/2000

maturity."

According to the police, Lauren was driving an E-Ton four-wheel ATV and Edward was driving a Polaris Sportsman 500. The E-Ton is the smallest ATV made, and the Polaris the largest, said Mike Coss, a member of the South East ATV Rider Association in Cleveland.

He said the E-Ton is made for riders between 6 and 12 years old. The Polaris is for age 16 and older, at least two years older than Edward.

"There is a sticker right on the tank that says that Polaris Sportsman should be not be operated by someone under the age of 16," Coss said.

Larry Hodgson, owner of Wellington Cycle and ATV, said the Polaris weighs 697 pounds without fuel. He said the ATV Lauren was riding weighs up to 200 pounds without fuel.

Hodgson described Edward's vehicle as the King Kong of ATVs. Lauren's was the midget, he said.

"The only comparison I can think of was like a Volkswagen hitting a cement wall," he said.

E-mail: [jgonzalez@pland.com](mailto:jgonzalez@pland.com)

Phone: 1-800-767-2821 A total of 248 people were killed in ATV-related accidents in 1998, according to the U.S. Consumer Product Safety Commission. Last year, 153 died - and since 1982: 3,716.

Commission spokesman Ken Gilles said he expected the 1999 figures to increase because the commission sometimes does not find out about deaths until a year or two later.

The number of people hurt in ATV accidents has risen steadily since 1993, when 32,000 were injured. Last year, 71,300 people were hurt, 20 percent more than the year before. The increases occurred across all age categories, Gilles said.

"It is hard to determine why there is an increase," he said. "An increase in sales might be the explanation, but we are not sure. What we do know is that ATVs do carry risk. They are not toys. They are a risky product that should be driven by older children."

<http://www.cleveland.com/news/index.ssf?/news/pd/cc06atv.html>

09/06/2000





1. Task Number 030521HCC1557		2. Investigator's ID 8925		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2003 03 23	5. Date Initiated YR MO DAY 2003 05 27		
6. Synopsis of Accident or Complaint UPC none  A 10-year-old male was riding on a 4-wheeled all-terrain vehicle. He attempted to make a jump on a small hill when the vehicle's front wheels came up. The victim sustained a chest injury and died. He was not wearing a helmet. The ATV rolled over front to back in the incident.				
<p style="text-align: right;">9/9/04</p> <p> <input checked="" type="checkbox"/> INFORMED/PRIVACY NOTIFIED  COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  OVERRULED: <input type="checkbox"/> <input checked="" type="checkbox"/> ATTACHED  EXCLUSIONS/FOIA EXEMPT: <input checked="" type="checkbox"/> 25C  DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <input type="checkbox"/> </p>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City HOFFMAN		9. State NC
10A. First Product 3286 - All Terrain Vehicles (four W		10B. Trade/Brand Name MIDWEST MOTOR		10C. Model Number CHETTA 90
10D. Manufacturer Name and Address MIDWEST MOTOR 6330 Copps Ave Madison, WI 53716				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 10	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 31 - UPPER TRUNK	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 9 / 0	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 12 - MECAP		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 06/25/2003	25. Reviewed By 8570		26. Regional Office Director Gerard J. Naylis	
27. Distribution Lansing, Joseph W.; Ingle, Robin L.			28. Source Document Number X0352059A	

The information in this report was based on information received from the sheriff and medical examiner's office. Contacts with the victim's next-of-kin and witness were unsuccessful. A photo of the 4-wheel all-terrain vehicle was not available. The owner of the ATV was the victim's father.

On Sunday, March 23, 2003, in Hoffman, NC, at 11:50 a.m., a 10-year-old male was riding on a 4-wheeled all-terrain vehicle on a sand pit. The weather condition was partly cloudy and the temperature was 62°F.

The investigating officer reported that the victim attempted to make a jump on a small hill when the ATV's front wheels came up. The medical examiner reported that victim leaned forward to compensate and that the ATV rolled over. The medical examiner reported that the ATV rolled front over rear end and threw the victim off. The medical examiner reported that the ATV rolled over the victim and ended back in an upright position. The medical examiner reported that the victim stood up and then fell down.

The victim's traveled speed on the vehicle was not known. He was wearing a helmet and his knowledge regarding operation and/or handling the vehicle was unknown.

The medical examiner reported that the victim's father and brother were at the scene. The medical examiner reported that mouth-to-mouth resuscitation was performed on the victim until the first responder arrived at the scene.

The medical examiner reported that the victim was 5 feet 1 inches tall and that the victim weighed 60 pounds. The medical examiner reported that the 10-year-old male received a chest injury and that the victim was transported via ambulance to the local hospital in Pinehurst, NC. The victim died at 12:45 p.m. as a result of his injury. The medical examiner reported that the victim's toxicology laboratory report was negative for alcohol; use of an illegal drug was not a factor. An autopsy was not performed on the victim.

030521HCC1557

Product: 4-wheeled all-terrain vehicle

Brand/Year: Midwest/1998 or 1999

Manufacturer: Midwest Motor  
6330 Copps Ave.  
Madison, WI 53716

Model: Chetta 90

VIN: unknown

Description: unknown

Condition: unknown

Modification: medical examiner reported that the ATV was  
locked in 1<sup>st</sup> gear and  $\frac{1}{2}$  throttle max by the victim's father

**ATTACHMENTS:**

1. Richmond Co. Sheriff, Incident/Investigation Report.
2. All-terrain Vehicle (ATV) Telephone Questionnaire.
3. Contact Information.

MAY-27-2003 TUE 10:01 AM RICHMOND CO. SHERIFF

910 997 8384

P. 02

INCIDENT DATE		Agency Name Richmond Co. Sheriff's Office		INCIDENT/INVESTIGATION REPORT		OCA 2003-003012	
ORI NC 0770000		ATTACHMENT 1 - 030521HCC1557		Date/Time Reported Month Day Yr Time 03 23 2003 12:03 Hrs.		Date/Time Reported Month Day Yr Time 03 23 2003 12:03 Hrs.	
#1 Crime Incident(s)		Accidental Death		<input type="checkbox"/> At Found Month Day Yr Time <input checked="" type="checkbox"/> Cam 03 23 2003 11:45 Hrs.		<input type="checkbox"/> At Found Month Day Yr Time <input checked="" type="checkbox"/> Cam 03 23 2003 11:44 Hrs.	
#2 Crime Incident				<input type="checkbox"/> At Location of Incident		Offense Trust	
#3 Crime Incident				<input type="checkbox"/> At Location of Incident		03	
MO How Attacked or Committed		OPEN LAND AREAS		Victim Residence Type <input type="checkbox"/> Single Family <input type="checkbox"/> Multi Family			
VICTIM # of Victims		Type <input checked="" type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown		Injury <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Broken Bones <input type="checkbox"/> Severe Lacerations <input type="checkbox"/> Internal <input type="checkbox"/> Unconscious <input checked="" type="checkbox"/> Other Major		Drug/Alcohol Use: <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
V1 JUVENILE		Victim/Business Name (Last, First, Middle)		Victim of Crime #		DOB / Age	
Home Address				I. / /		W M NA	
Employer Name/Address				Home Phone		Business Phone	
VYR Make Model Style Color Lic/Lis Vin							
OTHERS INVOLVED		CODES: V - Victim (Denote V2, V3) O - Owner (if other than victim) R - Reporting Person (if other than victim)					
Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown		Code Name (Last, First, Middle)		Victim of Crime #		DOB / Age	
Home Address				Home Phone		Business Phone	
Employer Name/Address				Home Phone		Business Phone	
Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown		Code Name (Last, First, Middle)		Victim of Crime #		DOB / Age	
Home Address				Home Phone		Business Phone	
Employer Name/Address				Home Phone		Business Phone	
Status Codes		L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found					
Victim # DCI Status Value OJ QTY		Property Description		Make/Model		Serial Number	
Number of Vehicles Stolen 0		Number Vehicles Recovered 0					
ID Officer STONER, JACKIE DALE (110)		Officer Signature		Supervisor Signature (0)			
Complainant Signature		Case Status <input checked="" type="checkbox"/> Further Investigation <input type="checkbox"/> Inactive <input type="checkbox"/> Closed/Cleared <input type="checkbox"/> Closed/Leads Exhausted		Case Disposition: <input type="checkbox"/> Unfounded <input type="checkbox"/> Located <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Refuse to Cooperate <input type="checkbox"/> Cleared by Arrest by Another Agency <input type="checkbox"/> Death of Offender <input type="checkbox"/> Prosecution Declined		Page 1	

Rev. 3/92



MAY-27-2003 TUE 10:02 AM RICHMOND CO. SHERIFF 910 881 00 ATTACHMENT 1 - 030521HCC1557

**INCIDENT/INVESTIGATION REPORT**

Narr. (cont.) OCA: 2003-003012

*Richmond Co. Sheriff's Office*

Page 3

THE SHERIFF'S OFFICE RECEIVED A CALL IN REFERENCE TO A 4-WHEELER ACCIDENT AT THE SAND PIT IN HOFFMAN. UPON ARRIVING AT THE SCENE, I FOUND THE IMMEDIATE FAMILY AND THE VICTIM HAD GONE TO THE HOSPITAL IN MOORE COUNTY. IN TALKING WITH ANOTHER FAMILY MEMBER, HE ADVISED VICTIM WAS ATTEMPTING A JUMP ON A SMALL HILL WHEN THE 4-WHEELER CAME BACK, TURNING OVER ON HIM AND CRUSHING HIS CHEST AREA. UPON ARRIVING AT THE SHERIFF'S OFFICE TO COMPLETE THE REPORT, THE HOSPITAL NOTIFIED US THAT THE VICTIM HAD PASSED AWAY.

N A R R A T I V E

030521HCC1557

**CONTACT INFORMATION:**

Contacted on 5/27/03

Richmond County Sheriff  
1 Court Street  
Rockingham, North Carolina 28379  
(910)997-8283

Office of the Chief Medical Examiner  
Chapel Hill, NC 27599  
(919)962-2253



Task Number 030521HCC1557

INTERVIEWER: When the response to a particular question is unknown, please leave blank.

Type of respondent: Police Department

Other, specify:

1. What type of vehicle was involved in the incident? (If vehicle is not an ATV, or if ATV has more than 4 wheels, politely thank respondent for her/his cooperation and terminate interview).

- |                                       |                     |
|---------------------------------------|---------------------|
| 1 - 3 wheeled ATV                     | 7 - Utility Vehicle |
| ② - 4 wheeled ATV                     | 8 - Other Vehicle   |
| 3 - ATV with unknown number of wheels | 0 - Unknown         |
| 4 - 2 wheeled motorcycle              |                     |
| 5 - Dune Buggy                        |                     |
| 6 - ATV with more than 4 wheels       |                     |

2. What is the manufacturer/brand name of the ATV(s) involved in the incident? If more than two ATVs, use an additional sheet.

ATV #1

Manufacturer: 88 - Other

ATV #2

Manufacturer:

3. What is the model name or number and/or vehicle identification number (VIN) of the ATV?

Model: Chetta 90

/ VIN:

4. What is the model year of the ATV? (Record last two digits of model year. For example 89,90).

Model Year: 1999

5. What is the engine size (in CCs) of the ATV?

Engine Size: 60-90

6. Was there more than one death involved in this incident? If more than two individuals were killed use an additional sheet.

Death #1

Death #2

Date of Death: 03/23/2003

Age/Sex: 10/Male

State of Death: NC

City of Death: Pinehurst

County of Death: Moore

7. Describe how the incident occurred. (Use additional sheets if necessary).

A 10-year-old male was riding on a 4-wheeled all-terrain vehicle. He attempted to make a jump on a small hill when the vehicle's front wheels came up. The ATV flipped backward onto the victim. The victim sustained a chest injury and died. He was not wearing a helmet.

8. Did the ATV overturn/tipover/rollover? Yes

9. If ATV overturned/tipped over/rolled over, did it land on the victim?

Victim 1:

Victim 2:

☒ Yes ☐ No ☐ Unknown      Yes ☐ No ☐ Unknown

10. Who was killed in the incident? Check all that apply.

☒ 1 - Driver      3 - Bystander      8 - Other  
2 - Passenger      4 - Driver/Other Vehicle

11. Was the victim wearing a helmet at the time the incident occurred?

Victim 1:

Victim 2:

☒ Yes ☐ No ☐ Unknown      Yes ☐ No ☐ Unknown

12. How many riders (including the driver) were on the ATV at the time the incident occurred?

0 - Unknown      2 - Two riders      4 - Four or more riders  
☒ 1 - One rider      3 - Three riders

13. List the following physical characteristics of the DRIVER of the ATV:

Age: 10      Height: 61 (inches)  
Weight: 01 = 74 and under      Sex: Male

14. How did the driver learn to operate an ATV (READ LIST)

- 1 - Organized Program                      Sponsor's Name:
- 2 - Dealer/Salesperson      Arranged through dealer:
- 3 - Friend/Relative              Friend/Relative Age:
- 4 - Self
- 5 - Other (Specify)
- ⑨ - Don't Know

15. What was the type of terrain (ground surface) being travelled at the time the incident occurred?

88 - Other

16. Type of road being travelled by ATV when incident occurred?

09 - NA (Not a road)

17. Identify any other motor vehicle(s) involved in this incident.

09 - NA (Not a traffic incident)

18. Had the driver of the ATV used alcohol just prior to the incident?

2 - No

19. Had the driver taken any drugs or medication just prior to the incident?

2 - No, Drugs

Additional Comments:



12003-02322

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
Chapel Hill, North Carolina 27599-7580

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

OCME USE ONLY  
03-2773  
Case number  
MAR 27 2003  
Date received  
☐ Res ☐ NR

DECEDENT: [REDACTED]  
First Middle Last Suffix  
RESIDENCE: [REDACTED]  
12-27-1992 Number and Street City, State County  
AGE: 10 SEX: ☒ Male ☐ Female ☐ Unknown  
RACE: ☐ Black ☐ Native American ☐ Oriental ☒ White ☐ Unknown  
HISPANIC ORIGIN: ☐ Yes ☒ No ☐ Unknown

INFORMATION ABOUT OCCURRENCE

	DATE	TIME	ADDRESS OR FACILITY	COUNTY
ONSET OF INJURY OR ILLNESS	3-23-03	1150	3 mile off Richmore Rd at Sandpitt Hoffman NC 28347	Richmond
DEATH	3-23-03	1245	First Health of the Carolinas - Moore Regional 155 Memorial Drive Pinehurst, NC 28374	Moore
VIEW OF BODY	3-23-03	1330	<input type="checkbox"/> Scene of death <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Funeral home <input type="checkbox"/> Other <input type="checkbox"/> Not viewed	
M.E. NOTIFIED	3-23-03	1305	LAW ENFORCEMENT AGENCY: Richmond Co Sheriff Dept OFFICER: Lt JD Stoner	
LAST KNOWN TO BE ALIVE	3-23-03	1145	TELEPHONE: 800-672-3373 Death occurred while in custody: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	

AUTOPSY: ☒ None ☐ M.E. Authorized ☐ Non-M.E. Autopsy facility: \_\_\_\_\_  
BLOOD SAMPLE: ☒ Mailed ☐ Obtained by pathologist ☐ Reason not obtained: \_\_\_\_\_  
IF CLINICAL ALCOHOL DONE, RESULT: \_\_\_\_\_ By whom: \_\_\_\_\_

PROBABLE CAUSE OF DEATH: ☐ Pending

1. Mechanical Chest Asphyxia  
DUE TO
2. ATV Rollover  
DUE TO
3. \_\_\_\_\_  
DUE TO
4. \_\_\_\_\_  
DUE TO

CONTRIBUTING CONDITIONS

MANNER OF DEATH:

☐ Natural ☒ Accident ☐ Homicide ☐ Suicide ☐ Pending

I hereby certify that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause of death in accordance with Article 16 of Chapter 130A of the N.C. General Statutes and the information contained herein regarding such death is true and correct to the best of my knowledge and belief.

DHHS 1114 (Revised 10/00)  
Medical Examiner (Review 10/02)

Signature of Medical Examiner

3-23-03  
Date

Moore  
County of Appointment M.E. Number

OCME REVIEW

1. _____ DUE TO	ISSUE 32 MAY 7 2003	SDC <input type="checkbox"/> None <input type="checkbox"/> AL <input type="checkbox"/> Dictated <input type="checkbox"/> COG
2. _____ DUE TO		
3. _____ DUE TO		
4. _____ DUE TO		

CONTRIBUTING CONDITIONS  
☐ Natural ☐ Accident ☐ Homicide ☐ Suicide ☐ Undetermined  
Reviewer: \_\_\_\_\_ Date: 4/23/03  
Information in this block supersedes that contained in space at left.

CUA as infant involving @ fact

## MEDICAL HISTORY

- ☐ Alcoholism ☐ Diabetes ☐ IV drug abuse ☐ Ischemic heart disease ☐ Smoking  
☐ Seizure disorder ☐ Cancer ☐ Hypertension ☐ Depression ☐ HIV/AIDS  
☐ Other \_\_\_\_\_

Attending Physician Dr Robert Ford City Winston Salem NC

## MEANS OF DEATH

### VEHICLE:

Type of vehicle associated with this decedent:

Chetk 90

1998-1999 model

- ☐ Passenger car ☐ Pickup truck ☐ Truck--more than 2 axles ☐ Motorcycle  
☐ Bicycle ☐ Farm vehicle ☒ ATV ☐ Moped ☐ Other \_\_\_\_\_

Position: ☒ Driver ☐ Passenger ☐ Pedestrian ☐ Unknown

Devices: ☐ Seat restraints ☐ Air bag ☒ Helmet ☐ Child restraint ☐ None ☐ Unknown

Number of vehicles involved \_\_\_\_\_ Griffin full face chin guard

### GUN:

- ☐ Rifle--Caliber \_\_\_\_\_ ☐ Handgun--Caliber \_\_\_\_\_ ☐ Shotgun--Gauge \_\_\_\_\_  
☐ Other \_\_\_\_\_ ☐ Unknown

### INSTRUMENT:

- ☐ Blunt ☐ Sharp Description: \_\_\_\_\_  
☐ Toxic agent(s) suspected: ☐ Alcohol ☐ Others \_\_\_\_\_

### TOXIC AGENT(S) SUSPECTED:

### DROWNING:

- ☐ Pond ☐ Lake or river ☐ Ocean ☐ Pool ☐ Bathtub ☐ Other \_\_\_\_\_  
Life preserver: ☐ Yes ☐ No ☐ Unknown Able to swim: ☐ Yes ☐ No ☐ Unknown

### FIRE:

Suspected cause \_\_\_\_\_

### FALL:

From \_\_\_\_\_ to \_\_\_\_\_

Smoke detector: ☐ Yes ☐ No ☐ Unknown

Approximate distance \_\_\_\_\_ feet

## ACTIVITY OF DECEDENT AND PREMISES

### FATAL INJURY OR ILLNESS:

Activity \_\_\_\_\_

Type of place \_\_\_\_\_

Specific location \_\_\_\_\_

Fatal injury or illness occurred on a job: ☐ Yes ☐ No ☐ Unknown

If yes, was employment: ☐ Primary job ☐ Secondary ☐ Volunteer work ☐ Unknown

Name of this employing firm or agency \_\_\_\_\_

Type of business or industry \_\_\_\_\_

Decedent's occupation \_\_\_\_\_

### DEATH:

Type of place \_\_\_\_\_

Specific location \_\_\_\_\_

Examples:

Activity: Running, lifting hay bales, eating, typing letter, driving commercial truck, sleeping, bathing, watching television, fighting, etc.

Type of place: House, apartment, trailer, school, jail, bar or tavern, hotel, restaurant, store, street, hospital, farm, highway, factory, etc.

Specific location: Bathroom, assembly line, kitchen, front yard, office, parking lot, emergency room, roadside, ambulance, car, etc.

On a job: Any activity that is income generating regardless of age of decedent including farming or part time work; also include non-income generating volunteer or charity work.

## DESCRIPTION OF BODY

### CONDITION:

- ☒ Intact ☐ Decomposition ☐ Skeletonized  
☐ Embalmed ☐ Charred ☐ Prolonged immersion ☐ Exhumed

### RIGOR:

- ☒ None ☐ 1+ ☐ 2+ ☐ 3+

LIVOR:

- ☒ None ☐ Anterior ☐ Posterior ☐ Lateral

### HEIGHT:

5'1 inches

☒ Estimate

WEIGHT:

60 pounds

☒ Estimate

### BODY TEMPERATURE:

- ☒ Warm ☐ Cool ☐ Cold

### EYES:

Color Blue

Abnormalities None noted

HAIR: Color Brown/Blond ☐ Beard ☐ Mustache NO

### TEETH:

Upper

☒ Natural

☐ Dentures

☐ Abnormalities

Lower

☒ Natural

☐ Dentures

☐ Abnormalities

### CLOTHING:

shirt, shorts, socks, splint to R ankle, boots

### VALUABLES:

None

☐ Not clothed

☐ No valuables

TOXICOLOGY REPORT

Office of the Chief Medical Examiner  
Chapel Hill, NC 27599-7580

Toxicology Folder: T200301965  
Case Folder: F200302773  
Date of Report: 31-mar-2003  
Page: 1

Case Folder  
F2003-02773

DECEDENT: 

Status of Report: Approved

Report Electronically Approved By: Diana Garside, PhD

\* \* \*

=====

SPECIMENS received from Max H. Muse on 25-mar-2003

S030003636: 18.0 ml Blood  
SOURCE: Subclavian Vessel

CONDITION: Postmortem  
OBTAINED: 23-mar-2003

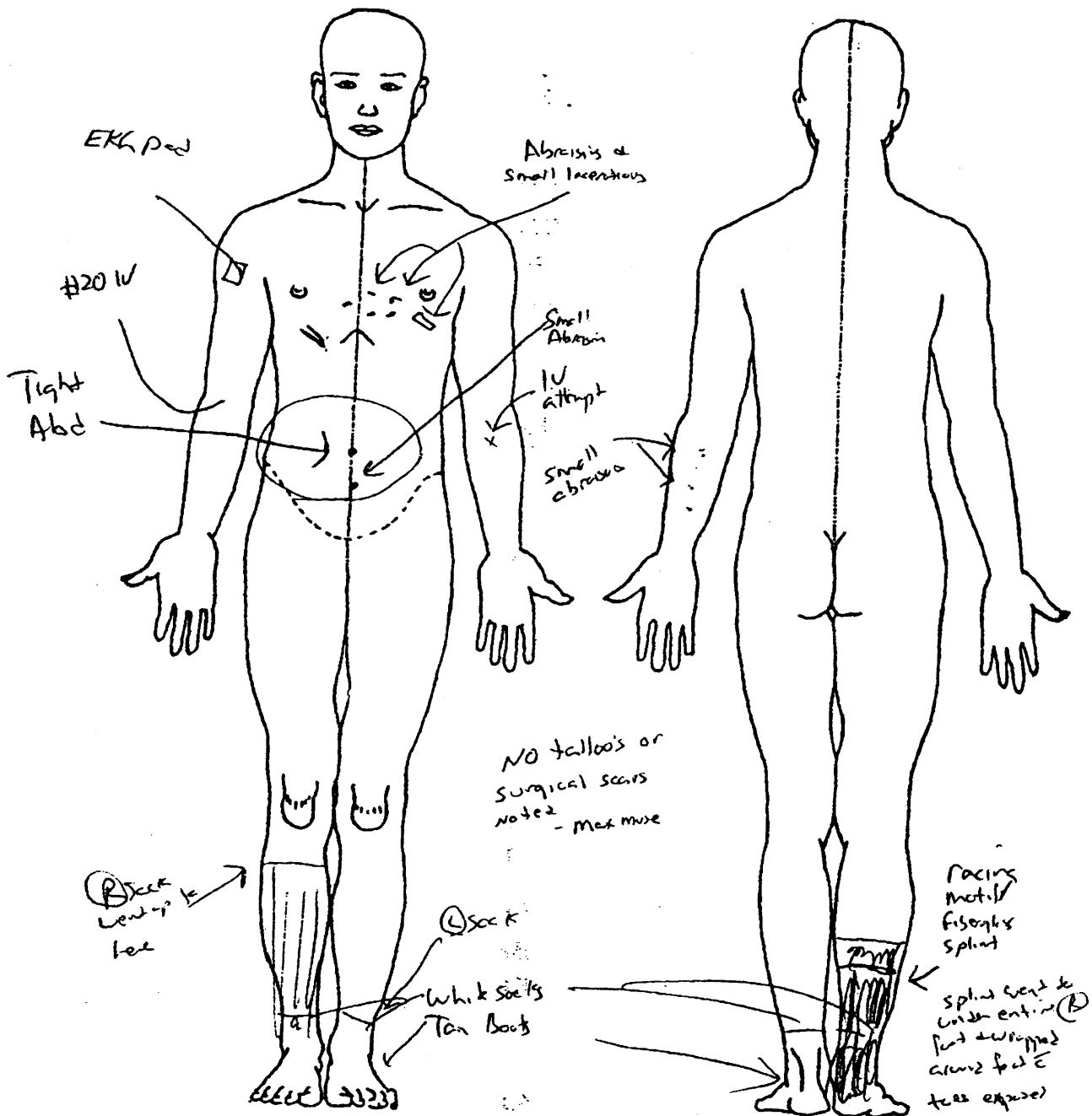
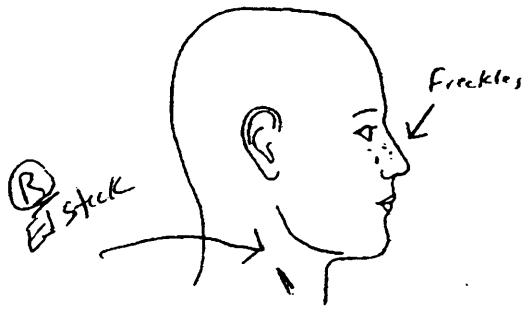
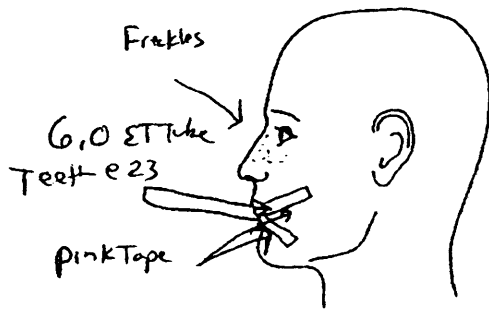
Ethanol ----- None Detected

03/31/2003

040103 06:37

\* \* \* E N D O F R E P O R T \* \* \*

# BODY DIAGRAMS



Indicate nature and location of wounds and other lesions (scars, tattoos, medical therapy, etc.) on these diagrams.

# NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH

Called by Charge Nurse at Emergency Dept (Harold Pickett RN) regarding

Rollover Death of 10 year old following single vehicle ATV accident.

According to father and brother who both witnessed accident - 10 year old riding

1998 or 1999 Crotch 90 4 wheeler (which had been locked into 1st gear and 1/2 throttle max

by father) rode up small hill - 4 wheeler front wheels came up - (1) higher than (2)

child stood up & leaned forward to compensate, and 4 wheeler rolled over front over rear and

it throwing decedent off and rolled over decedent and 4 wheeler ended up back upright.

Scars (see drawing) to (2) chest under nipple line. Child stood up, then fell down - Blood in mouth,

mouth to mouth started, 911 (Richmond Co) activated - 1st responders on scene in 12 minutes -

Ambulance left scene at 1224 enroute to Moore Regional (Closest Hospital) and arrived there 1251 HRS

Richmond Co Times - Code Called at Moore Regional in Trauma 9 by Dr Lewis at 1245 HRS

(Moore Regional Clock). I examined body of (a small frame 10 year old) decedent finding

chest injury. Called OOME and spoke to ~~Dr Lewis~~. I notified Richmond Co Sterility Dept

Lt. J.D. Stener of death. Blood drawn - Body released back to hospital.

Mary Murre ME

0308200108

SPEER.JOSHUA 12/27/1992 M 10Y

03/23/2003

461590

PURPOSE: To document the findings of a medical examiner investigation. When completed, this form constitutes a report to the Chief Medical Examiner as required by G.S. 130A-385(a).  
PREPARATION: The investigating medical examiner completes all appropriate information, and signs the certification statement on the front of the form.  
DISTRIBUTION: Mail original copy to the Office of the Chief Medical Examiner, Chapel Hill, NC 27599-7580.  
DISPOSITION: This form is maintained by the Chief Medical Examiner in accordance with the current records disposition schedule published by the N.C. Division of Archives and History.  
COPIES: Additional copies may be ordered from the Office of the Chief Medical Examiner, Chapel Hill, NC 27599-7580.





050630

1. Task Number 050309CCN0500		2. Investigator's ID 9090		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 830	4. Date of Accident YR MO DAY 2004 01 01	5. Date Initiated YR MO DAY 2005 04 23		
6. Synopsis of Accident or Complaint UPC  A Store Manager for an ATV Dealer provided information that he was aware of ten incidents in which consumer's had reported that the fuel tanks on their 2003 and 2004 model year All Terrain Vehicles had developed gas leaks from the location of either the fuel shut off valve or the fuel cap on their particular model units. He was not aware of any injuries or fires associated with these incidents.  <div style="text-align: right;"> <b>MEM/PRV/LBR NOTIFIED</b>  COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <input type="checkbox"/> OVERRULED <input type="checkbox"/> ATTACHED  <input type="checkbox"/> EXCISONS/FOIA Exa. <input type="checkbox"/> Revisions  <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY  8-1-05 </div>				
7. Location (Home, School, etc) 1 - HOME		8. City BEREA		9. State KY
10A. First Product 3286 - All Terrain Vehicles (four W		10B. Trade/Brand Name COUGAR 250 AND PANDA 110		10C. Model Number UNKNOWN
10D. Manufacturer Name and Address KAZUMA USA 13715 Murphy Road Suite D Stafford, TX				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 0		13. Sex 0 - Not Stated		14. Disposition 0 - No Injury
15. Injury Diagnosis 70 - No Injury		16. Body Part(s) Involved 99 - NO INJURY		17. Respondent 3 - 2nd Hand Info Only
18. Type of Investigation 2 - Telephone		19. Time Spent (Operational / Travel) 8 / 0		20. Attachment(s) 9 - Multiple Attachments
21. Case Source 13 - Other Case Source		22. Sample Collection Number		
23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 04/26/2005		25. Reviewed By 9071		26. Regional Office Director Eric B. Ault
27. Distribution Topka Ivins, Tanya		28. Source Document Number H0530096A		

**IDI 050309CCN0500**

This case originated upon receipt of a complaint that was filed by the Store Owner of Big Hill Motor Sports, who reported this incident. All information for this report was obtained during a telephone interview with the Store Manager on April 23, 2005.

The Store Owner provided information that a consumer brought a 4 wheeled All Terrain Vehicle in for servicing after he discovered that the ATV had leaked a puddle of fuel onto his garage floor on or about 01/01/2004. The Store Owner stated that his Store Manager fully inspected the ATV and discovered that the device which controls the fuel shut off, breaks loose. He also provided information that his Store Manager discovered on another ATV of the same model that the fuel tank cap will break due to stress factors. The Store Owner noted in his complaint that his Store Manager stated that he is aware of a total of 10 ATV's of the same model that have been brought in for repair work with the same defect.

On 04/22/05 I attempted to contact the respondent by telephone at his place of business as listed in the source document. I was informed by a store employee that the Store Owner had been out on leave and that he did not know when he might return. On 04/23/05 I contacted the Store Manager by telephone to obtain information for this report. The Store Manager provided information that he is aware of 10 fuel leak incidents involving two different models of the Kazuma Pacific All Terrain Vehicles. He identified the units as being four wheeled 2003 and 2004 model year Cougar 250 and Panda 110 All Terrain Vehicles.

The Store Manager stated that the problem or defects that exist with the subject ATVs involve the units' fuel shut off switch (also known as the Petcock fuel shutoff switch). He stated that on the Panda 110 the fuel shut off switch that is located on and bolted to the bottom of the fuel tank, had been breaking off and allowing fuel to leak out of the unit's tank.

He stated that the Cougar 250 appeared to have two safety concerns. He stated that in addition to the fuel shut off switch breaking off, the threads for the gas cap for both the reserve tank as well as the regular fill tank, were busting out. He stated that the fuel tanks for both units appear to be made of some type of plastic poly material that doesn't seem to hold up well under the pressure of turning the fuel switch on and off.

The Store Manager stated that he was not aware of any injuries or fires that occurred as a result of these problems, but felt that they still present a high risk of danger if not replaced. He stated that the manufacturer was previously aware of the problem with the Panda 110 because they have contacted the manufacturer in the past (date not specified) to obtain replacement tanks for this same problem. He stated that in the past the manufacturer sent them replacement fuel tanks within 2 days without any problem, at no additional cost.

**IDI 050309CCN0500**

The Store Manager stated that in June of 2004 he telephoned and explained his discovery of this problem to the manufacturer's warehouse representative Wes (last name unknown). He stated that he was instructed to ship the defective tanks back to the manufacturer, but informed the rep that he could not return the old tanks because they had fuel in them. He stated that the warehouse rep went ahead and sent him the replacement tanks for a period of time, but eventually stopped sending them after he made several additional requests.

The Store Manager stated that in February of 2005 he contacted the manufacturer's warehouse rep once again on behalf of a customer and was informed that the fuel tanks were currently out of stock, but that he should keep in touch with the rep to obtain the replacement tanks.

The Store Manager stated that on March 8, 2005 both he and the Store Owner spoke with the manufacturer's President by telephone to report their safety concern regarding the gas tank leak on the Kazuma ATVs and to inquire about obtaining the previously requested replacement tanks. The Store Manager stated that he was informed by the firm's President, that if they wanted any additional replacement tanks, they would have to purchase them, because he can only sell the replacement tanks. The Store manager stated that they informed the firm's President that they would report this safety concern to the U.S. Consumer Product Safety Commission.

On March 8, 2005 the respondent filed an official report with this Commission by contacting the CPSC toll free hotline.

The Store Manager stated that he has not had any further contact with the manufacturer regarding this issue since his telephone call on March 8, 2005. He also stated that he does not have any written correspondence from the manufacturer regarding this issue because they typically made all of their request by telephone.

The Store Manager stated that due to a computer failure that occurred during the winter, he could not provide me with a list of customers at the time of the investigation, that were affected by this problem. He said he might be able to locate a hard copy someplace but was not certain he could. As of the writing of this report, he has not been able to locate it.

The Store Manager also stated that he would check to see if he could find one or two of the defective gas tanks that might have been stored away, and that he would allow the CPSC to sample the tanks for further testing and analysis. As of the date of this report, the Store Manager has not contacted me with any further available information.

If additional information is obtained regarding this investigation, it will be included as an addendum to this report. This case is now closed.

**IDI 050309CCN0500**

**PRODUCT IDENTIFICATION:**

Product #1.....Cougar 250 four wheeled All Terrain Vehicle, Model Yr. 2004.  
Product #2.....Panda 110 four wheeled All Terrain Vehicle, Model Yr. 2003.

**Manufacturer:**

Kazuma USA  
13715 Murphy Road Suite D  
Stafford, TX 77477  
281-208-4900

**Dealer:**

Big Hill Motor Sports  
599 A Richmond Road  
Berea, KY 40403  
859-985-0049

**ATTACHMENTS:**

Exhibit "A" – Name and Address Contact List.  
Exhibit "B"- Missing Document Form

**Report Contact List:**

1. Jason Newby – Store Manager  
Big Hill Motor Sports  
599 A Richmond Road  
Berea, KY 40403  
859-985-0049

Date of initial contact: 04/23/04

Task Number: 050309CCN0500  
Exhibit B

Date: 4/26/2005

## Status of Missing Document(s)

As of this writing, official records that were requested for this investigation report could not be obtained. Should a document later become available, it will be attached to the investigation report.

1. \_Customer list from Big Hill Motor Sports

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

# CONSUMER PRODUCT INCIDENT REPORT

Region: CENTRAL

1. NAME OF RESPONDENT John Tellek, Store Owner		2. PHONE NO. (HOME) (WORK) 859-985-0049 unknown	
3. STREET ADDRESS 599 A Richmond Road		4. CITY Berea	ST ZIPCODE KY 40403
4a. EMAIL ADDRESS none		4b. INCIDENT CITY Berea	ST ZIPCODE KY 40403

## 5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES

Respondent is store owner for Big Hill Motor Sports who sells the all terrain vehicles. Respondent stated that customer brought in - cont -

6. DATE OF INCIDENT(S) 01/01/2004	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 0 Y/N AND DESCRIBE INJURY none	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME none RELATIONSHIP none
--------------------------------------	---	--

9. DESCRIPTION OF PRODUCT gas powered 4 wheel all terrain vehicle	10. BRAND NAME Cougar 250, Panda 110
--	---

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Kazama Pacific (made in China) 13715 Murphy Road Suite D Stafford, TX 77477 281-208-4900 unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM 2005
	13. DEALER'S NAME, ADDRESS & PHONE Big Hill Motor Sports unknown Berea, KY 859-985-0049

ISSUE 24

03/09/2005

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: damage: see narrative.	15. PRODUCT PURCHASED NEW DATE PURCHASED 01/01/2004 AGE 1 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: none

17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
--	--	--

## FOR ADMINISTRATION USE

20. DATE RECEIVED 03/08/2005	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0530096A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 03/08/2005



# CONSUMER PRODUCT INCIDENT REPORT

Region: CENTRAL

H0530096A

## Narrative Continued

the ATV for service due to fuel leaking from the gas tank. Customer explained that when he entered garage, he found a puddle of fuel around the ATV. No injuries.

Dealer's store manager for Big Hill Motor Sports, Jason (last name not given) fully inspected the ATV and discovered that the device which controls fuel shut off, breaks loose. Store manager also discovered, with a separate ATV, of the same model, that the fuel tank cap will break due to stress factors. Store manager stated that he is aware of a total of 10 ATV's, of the same model, brought in for repair with same defect.

06/2004 Store manager, Jason (last name unknown) called and explained discovery to manufacturer's warehouse rep. Wes (last name unknown), who requested that store manager mail the tanks back to manufacturer. Jason (last name unknown) explained that he could not send the replacement tanks because the old tanks had fuel. Rep. said that he will send store manager the replacement tanks. Store manager continued to communicate with manufacturer's warehouse rep. Wes (last name unknown) when encountering this problem where manufacturer would send the replacement tanks.

02/2005 Store manager, Jason (last name unknown) called and spoke with manufacturer's warehouse rep. Wes (last name unknown) to order the replacement tank for customer. Manufacturer's rep. Wes, stated that the tanks are currently out of stock but suggested that he remain in touch with them to obtain the replacement tanks.

03/08/2005 Store manager and respondent spoke with manufacturer's parts rep. (name unknown) who said that respondent will need to e-mail request for the replacement tank. Store manager said that he had been e-mailing the previous week but had not received a response. Store manager asked to speak with manufacturer's president. Manager and respondent spoke with manufacturer's president, Jason Tsai, who stated to obtain new tanks, that he will need to purchase replacement tanks. Store manager and respondent explained safety concern regarding the gas tanks leaking fuel. President reiterated that he can only sell the replacement tanks. Respondent stated that he will contact CPSC regarding his safety concern. No further information.

Distributor Phone #:

CPSC Source: DEALER



057429

1. Task Number 050202CCC1423		2. Investigator's ID 8386		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2005 01 25	5. Date Initiated YR MO DAY 2005 02 07		
6. Synopsis of Accident or Complaint UPC A four-wheeled 90cc ATV was being driven by an eight year male in on the off road area that runs parallel to a paved public road near his grandfather's home, when the unit became hot/warm near the victim's left leg area. He jumped off the machine and saw flames coming from the area. The ATV became completely engulfed in flames and burned to its frame. The eight year old was not injured in the incident.  <div style="text-align: right;"> <b>MEM/PRIV/LBR NOTIFIED</b>  COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <input type="checkbox"/> OVERRULED <input type="checkbox"/> ATTACHED  <input type="checkbox"/> EXEMPTIONS/FOIA Ex. <input type="checkbox"/> Revisions  <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY  8-1-05 </div>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City MACON		9. State GA
10A. First Product 3286 - All Terrain Vehicles (four W		10B. Trade/Brand Name PANTERRA 90 CC ATV		10C. Model Number SKU9265132 #060
10D. Manufacturer Name and Address PANTERRA MOTORS 16040 Stephens Street City of Industry, CA 91743				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 8	13. Sex 1 - Male	14. Disposition 0 - No Injury	15. Injury Diagnosis 70 - No Injury	
16. Body Part(s) Involved 99 - NO INJURY	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 3 - Other	19. Time Spent (Operational / Travel) 13.5 / 4	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 7 consumer complaint		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Verbal				
24. Review Date 03/12/2005	25. Reviewed By 8978		26. Regional Office Director Beverly J. Kohen	
27. Distribution Topka Ivins, Tanya; Lansing, Joseph W.			28. Source Document Number I0510709A	

*The information in this report was obtained during several conversations with the consumer. He also emailed CPSC pictures of the product that was involved. He also directed me to the company's web site and showed me the product that was involved in the incident. Other information was obtained from the company's web site. Note the company's web site is no longer active and has been discontinued. I also visited the retail store/place of purchase. An onsite at the consumer's home was not conducted, the incident did not occur at the consumer's home and documentation was provided by the consumer by email. The fire department was contacted and has not responded to a request for a copy of the fire report.*

The consumer purchased a four wheeled-ATV on November 30, 2004, from a local auto supply store/service center. The product was purchased to be used by his son; it was purchased new and was assembled when purchased.

The son received the ATV as a Christmas gift and did not start using it until after Christmas 2004. It was used at the child's home for a few times, but mostly it was stored at his grandfather's home. The product was not damaged and had not been serviced prior to the incident. The ATV had two hours of riding time registered on the machine.

The son is an eight year old, 4 ft, 75 lb, normal and active male, who does not suffer from any form of physical impediments and was not under the influence of medication. He is very active and participates in a lot of sports that include baseball. The child was aware of the safety precautions to take and has been instructed on the safe use of ATV's. The training was given by the consumer and by the grandfather. At the time of the incident, his son was wearing jeans, socks, tennis shoes, a shirt, a sweater and a helmet. He stated that no gas had been put in the ATV on the day of the incident. He stated that gas may have been put into the ATV approximately a week prior to the incident. The ATV had been examined several times and there were no signs of gas leaking or anything that looked abnormal.

The child's ATV was being stored at the grandfather's home and the child rode the ATV near his grandfather's home. The area, according to the complainant, is flat and smooth and the child had ridden his ATV in the area several times without incident. On January 25, 2005, the child had a normal and active day on the day of the incident. He had been instructed on wearing a helmet and was wearing a helmet at the time of the incident. It was approximately 4:15 p.m. as the child rode his ATV near his grandfather's home in Macon, Georgia.

The child was riding the ATV on the off road/shoulder area near his grandfather's home. It was a normal and clear day. The area where the child was riding the ATV is described as a flat off road area that runs parallel to the public road.

The child had been riding the ATV for about five minutes when he noticed that his left leg was getting hot. The consumer stated that the gas tank is in this area. The child looked down to find flames coming out of the side of the machine. He jumped off of the machine and screamed for help. He was in the front of a neighbor's home. The neighbor heard him, saw the ATV on fire. The neighbor called the grandfather. His grandfather's house was around the corner and he ran to the incident. When the grandfather arrived at the scene approximately 2 minutes after hearing about the fire, the ATV was fully involved in flames/fire. The child was not physically injured.

The consumer stated that it was a rapid fire and destroyed the ATV. See attached pictures for details, no other property damage occurred. The family called the local sheriff's department. A copy of the sheriff's report is attached.

The child was not injured physically, however, the father stated it did injure his son psychologically and slightly charred his shoes and shoe strings.

Presently the retail store has offered a complete refund for the ATV.

**PRODUCT IDENTIFICATION:**

Product: 4 wheeled ATV  
Brand Name: Panterra Motors 90 CC 4 stroke ATV  
Serial Number: UNKNOWN  
VIN NUMBER: UNKNOWN

Panterra Motors  
Nikota  
Toll Free 1-877-Nikota  
16040 Stephens Street  
City of Industry, CA 91745  
626-336-1126 tele  
626-336-1189 fax  
[www.NikotaUSA.com](http://www.NikotaUSA.com)

Place of Purchase: Pep Boys  
1230 Eisenhower Parkway  
Macon, GA 31206-2922

Date of Purchase: 11-30-04  
Price: \$846.94  
Date of Incident: 1-25-05

Pep Boys web site lists the following information for the Panterra ATV:  
SKU925132  
Part Number: 06037



Before Picture from web site



After Picture of ATV taken by consumer

The following information is from the owner's manual

Nikota, Item # 06037,

PANTERRA 90 CC ATV

(From front cover of owner's manual)  
Engine Type: single cylinder air cooled four stroke  
Displacement: 90 CC  
Compression rate: 9.0.1  
Gas Tank 1.1 gal  
Ignition Type: CDI (Capacity Discharge Ignition)  
Appropriate range tank: 112mi

Brake HP: Man Power Output 4.5 HP  
Tongue/RPM 5.8-6000lbs.ft  
Brake Front Drum/Rear Disc  
Starting; Electric  
Tires: 19"x 7/8"  
Maximum Load: 250lbs  
Maximum Speed: 25 mph  
Wheelbase: 39"  
Noise: 80db

The manual has contradictions in the specifications it also states:

Wheel Base 38.8"  
Maximum Speed: 29mph/35mph  
Displacement 85.8cc  
Gas Tank 1.58 gallons from page 26 of manual

The consumer stated that he has contacted both the place of purchase and the manufacturer. However, presently the manufacturer's web site is no longer active and the toll free number that the consumer had to contact is working but calls are not returned and most mail boxes are full.

The consumer and I examined the company's web site prior to it being disconnected and I downloaded the owner's manual. The owner's manual gives additional information covering the company and provides a different number.

Presently the retail store has offered a complete refund for the ATV.

For complete details see the owner's manual that is attached as Attachment number 3.

I visited the place of purchase and talked to the manager of the store and asked the following questions and the answers follow the question.

1. Has the store received any complaints covering the Panterra ATV other than the one in this complaint?

Answer: None as it related to a fire incident. Some consumers did complain about the units not coming on or something of that nature but they involved the consumers not following the instructions and no complaints had been received other than the one that was involved in this

investigation that related to a fire or a safety issue. He stated that the store had received about 100 units and that out of the 100 units; the incident that was involved in this investigation was the only one that involved a fire that he was aware of. He stated that all of the units had been sold and that the store did not have any in inventory.

2. Who is the manufacturer/supplier of the ATV's?

Answer: The manager stated that as far as he knew the product was manufactured in China and distributed in this country by Panterra Motors. He stated that he was not in charge of purchasing units and all inventory is purchased by his headquarters and they are shipped to his store. I asked him for copies of records etc and was told that he did not have records covering purchase etc, that they would simply show the item in inventory and when sold it would be out of inventory. He stated that any records showing purchase from Panterra would be stored /kept at the store's headquarters.

I told him we were basically interested in the manufacturer, supplier, and point of origin for the ATV. He stated that he did not have any records that would show this information.

3. I asked for brochures covering the ATV's. The manager stated that because he did not have any units in inventory he did not have any literature or brochures on the ATV's. He stated that the store is now carrying a different model ATV and based on information he had received from the consumer involved in this complaint, the web site for the manufacturer was no longer active.
4. The manager also stated that he had no personal dealings with the manufacturer, but it was his understanding that the company Panterra Motors no longer was a distributor/of ATVs and that any additional information would have to be provided by his headquarters or by Panterra Motors or Nikota. He stated that it was his understanding that American companies import the items and they are manufactured in China but any additional information covering the importation or point of origin would have to be obtained from Panterra or Nikota. He stated that Panterra/Nikota is located in City of Industry, California.



I checked the company's web site again on 3/5/2005 and it is no longer active, however, the telephone number is still operational. But the consumer stated that he has not been unable to get an answer or talk to a person. I tried for over two hours to reach someone at the company with no results.

Note the consumer directed me to the company's web site and to the pictures on the site of the model that was involved in the incident. Note this information was obtained before the company's web site was discontinued.

Note the consumer stated that the web site in its list of frequently asked questions states" that the problem may be the gas line or the fuel tank."

**Present Condition of the ATV:**

The ATV has been burned to its frame. For complete details see pictures of the unit that were provided by the complainant. The store has offered a refund to the consumer.

**Attachments:**

1. Contact Sheet
2. Pictures of the ATV after the fire (2)
3. Owner's Manual from Company's web site
4. Pictures of the ATV from the Web (3)
5. Owner's Proof of Purchase
6. Information from Pep Boys Website
7. Sheriff's Report
8. Missing Document Report

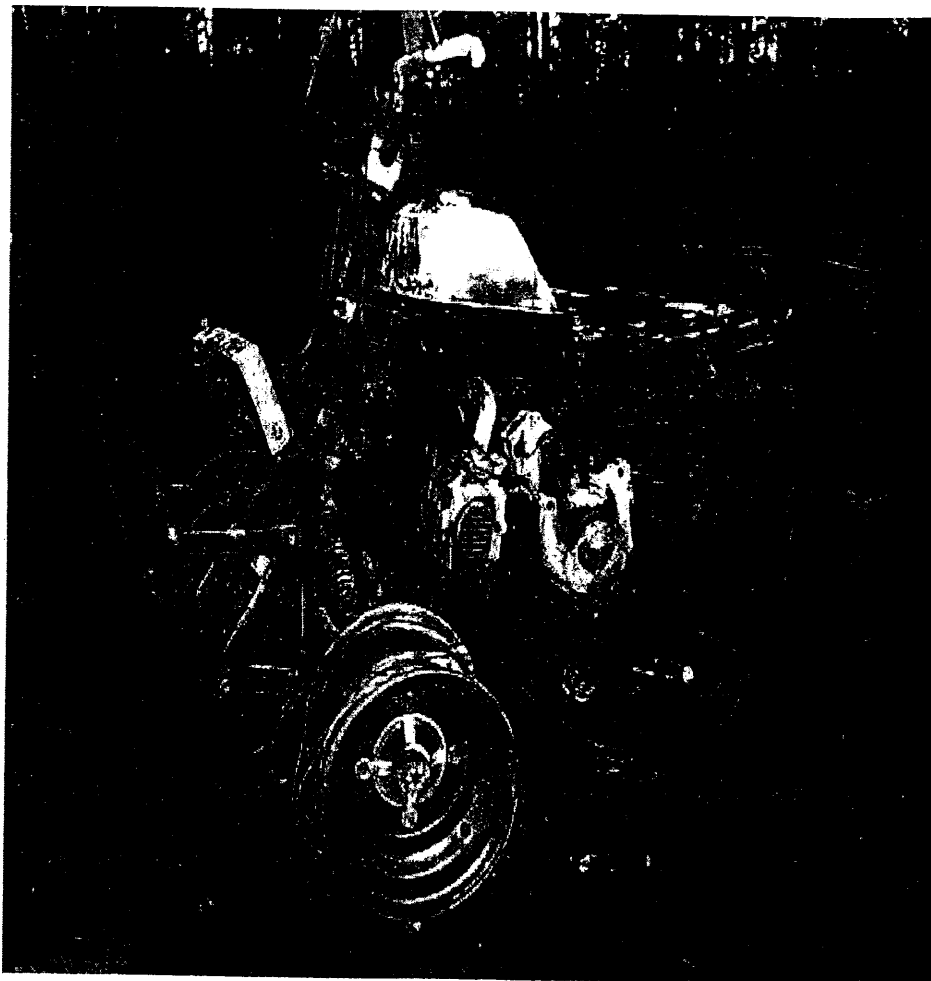
**Contact Sheet:**

Mr. Mike Pettis  
1097 Atagahi Trail  
Macon, GA 31220  
478-898-5672  
Feb and March 2005

Mr. Eric Jansson  
Retail Store Manager  
Pep Boys  
1230 Eisenhower Drive  
Macon, GA 31206  
3-8-2005

Jones County Sheriff Department  
270 Georgia Highway 49  
Macon, GA 31201 2/2005 and 3/2005  
478-743-0781

Jones County Fire Department  
3849 Upper River Road  
Macon, GA 31201  
478-743-0566 2/2005 and 3/2005



Picture 1 of 2 Overall view of the ATV taken after the incident

050202CCC1423  
Attachment Number 2

Page 2 of 2



Picture 2 of 2 Additional View of the ATV that was taken after the fire occurred.

Item No. 06037

## GAS ATV SPECIFICATIONS

Engine Type: Single Cylinder, Air Cooled, Fuel Stroke

Displacement: 90cc

Compression Ratio: 9.0:1

Gas Tank: 11.0 Gal

Ignition Style: CDI\*

Approximate Range Tank: 112mi

Brake HP (Max. Power Output): 4 HP

Torque RPM: 55-6000 lbs. ft.

Brake: Front Drum, Rear Disc

Starting: Electric

Tires: 15"x7.5"

Maximum Load Capacity: 275 Lbs

Maximum Speed: 25 mph

Wheel Base: 40"

Noise: 65db

\*CDI, Capacitive Discharge Ignition

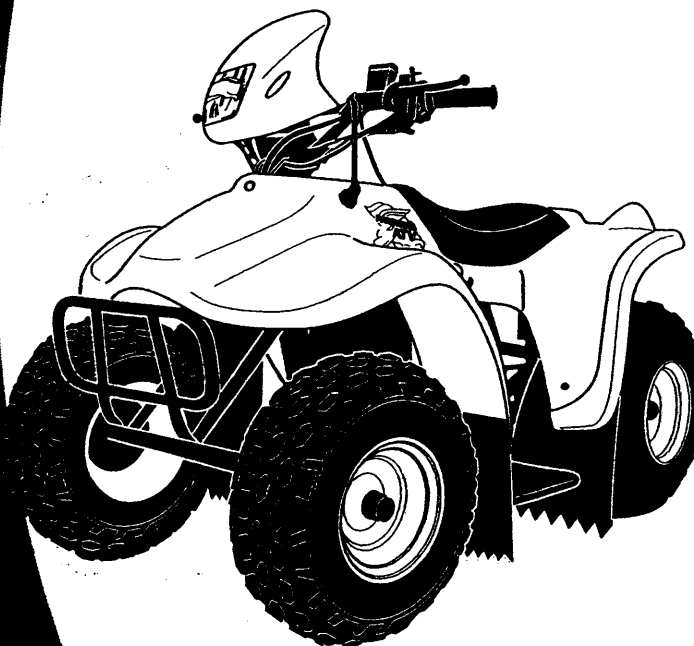
Page  
10



Item # 06037

050202CCC1423

ATTACHMENT 3 (PAGE 1 OF  
29)



# PANTERRA

## 90cc ATV

Owner's/Operator's Manual

Toll Free: 1-877-4NIKOTA

16040 Stephens Street

City of Industry, CA 91745

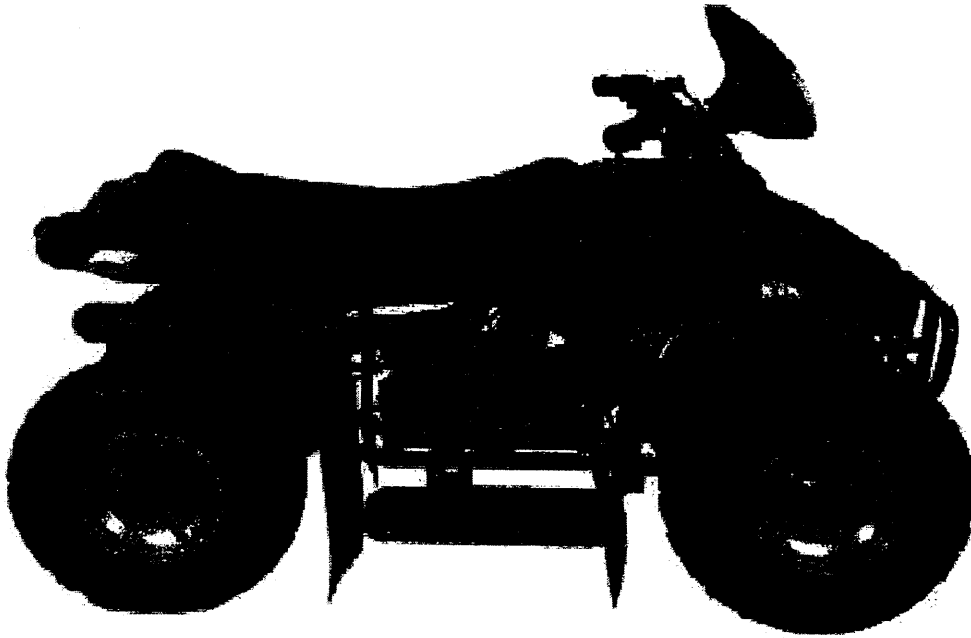
telephone: 626.336.1128

facsimile: 626.336.1189

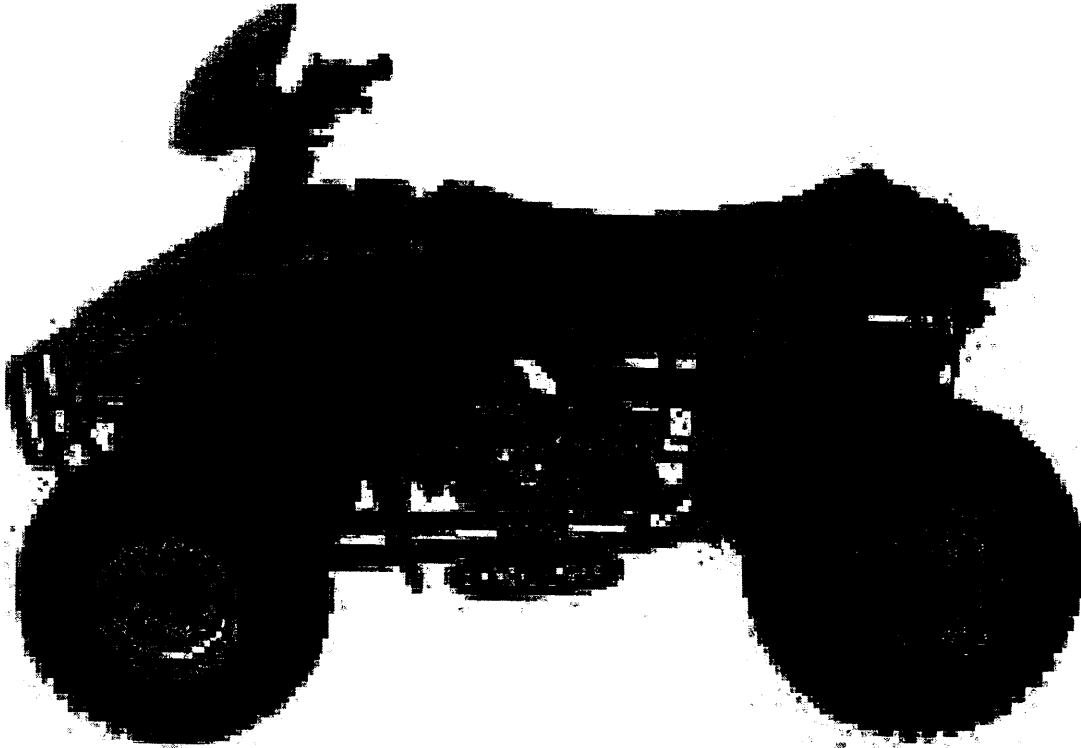
[www.NikotaUSA.com](http://www.NikotaUSA.com)



Photo 1 of 3 Overall View of ATV from manufacturer's web site



PICTURE 2 OF 3 (SIDE VIEW OF ATV)



PICTURE 3 OF 3 ( SIDE VIEW OF ATV FROM WEB SITE)



Page 42

**PEPBOYS**  
**AUTO**  
 Parts, Service and So Much More

Pep Boys #03  
 1230 Elise Tower Pkwy.  
 Macon, GA 31206  
 (012) 781-4773

050202CCC1432  
 ATTACHMEMNT 5  
 PAGE 1 OF 3

REG #1 TRX #406930  
 CASHIER #8893 11/30/04 19:18

1 90CC ATV 4 STROKE 799.00 T  
 6-75962-08037  
 30 DAYS  
 EXPIRES 12/30/04 11/21/05  
 877-484-5682 WARRANTY INFO  
 EXPIRES 12/30/04  
 1 Items Subtotal 799.00  
 Tax 47.84  
 Total 846.84  
 \*\*\* CHARGE \*\*\* 500.00-  
 \*\*\* CHARGE \*\*\* 346.84-  
 Cash Change .00

WALTERS  
 (478)745-5206

\*\*\*\*\*

#### LIMITED WARRANTY

This Limited Warranty is issued to the original purchaser of the part and is not transferable. If there is a defect in workmanship or material during the applicable warranty period, we will repair, replace or refund, at our option, such part without charge. Normal product wear and tear are not covered.

#### HOW WILL THE WARRANTY BE HONORED?

The original purchaser must return the part within the warranty period with this original receipt to any Pep Boys store. 1-800-PEPBOYS for the nearest location.

#### DISCLAIMER AND EXCLUSIONS

THIS WARRANTY DOES NOT APPLY TO PARTS IF:  
 Installed in vehicles used commercially, for racing or off-road purposes.  
 Modified, altered, abused, unreasonably used, improperly installed, or damaged by accident, negligence or misuse.

#### THIS LIMITED WARRANTY EXCLUDES:

Any consequential or incidental damages, such as rental car costs, loss of income, towing charges, property damage, inconvenience or loss of use, or legal fees and costs.  
 The cost of labor and any additional parts required to remove the defective part and to complete installation of a replacement part.

LIABILITY UNDER THIS WARRANTY IS LIMITED TO THE RETAIL PRICE OF THE PART AT THE TIME OF PURCHASE. AND PEP BOYS AND THE MANUFACTURER SHALL HAVE NO LIABILITY

Page 43

WHATSOEVER FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES. THIS LIMITED WARRANTY IS THE ONLY EXPRESS WARRANTY MADE BY PEP BOYS WITH REGARDS TO SUCH PARTS. THE DURATION OF ANY WARRANTY IMPLIED BY LAW, INCLUDING THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE, IS LIMITED TO THE DURATION OF THIS WARRANTY. THE FORGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER REMEDIES. SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS OR THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES. SO THE ABOVE LIMITATIONS OR EXCLUSIONS MAY NOT APPLY TO YOU. THIS WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS, AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH MAY VARY FROM STATE TO STATE.

050202CCC1432  
ATTACHMENT 5  
PAGE 2 OF 3

\*\*\*\*\*

CARD: MAST ACCT: \*\*\*\*\*0809  
AUTHORIZATION #: 015670 AUTO

TOTAL CHARGE AMOUNT: 500.00

CARD HOLDER ACKNOWLEDGES RECEIPT OF GOODS AND/OR SERVICES IN THE AMOUNT OF TOTAL SHOWN ABOVE AND AGREES TO PERFORM THE OBLIGATIONS SET FORTH IN THE CARD HOLDER'S AGREEMENT WITH THE ISSUER.

CARD: VISA ACCT: \*\*\*\*\*8018  
AUTHORIZATION #: 030437 AUTO

TOTAL CHARGE AMOUNT: 348.84

CARD HOLDER ACKNOWLEDGES RECEIPT OF GOODS AND/OR SERVICES IN THE AMOUNT OF TOTAL SHOWN ABOVE AND AGREES TO PERFORM THE OBLIGATIONS SET FORTH IN THE CARD HOLDER'S AGREEMENT WITH THE ISSUER.

THANK YOU FOR SHOPPING AT  
Pep Boys  
RECEIPT REQUIRED FOR RETURNS

**ENTER FOR A CHANCE TO**  
**WIN \$5,000**  
**Call 1-800-618-5100**

AT PEP BOYS, WE ARE COMMITTED TO YOUR SATISFACTION. TAKE A BRIEF SURVEY ABOUT YOUR SHOPPING EXPERIENCE TODAY AT PEP BOYS. COMPLETE SWEEPSTAKES RULES ARE POSTED AT PARTICIPATING STORES.

SWEEPSTAKES ENDS MARCH 5, 2005.

## Transportation Product Information Sheet

### TRANSPORTATION PRODUCT RETURN POLICY

- Transportation Products that have been (1) Used, or (2) Titled, tagged, registered or licensed by the customer, will NOT be accepted for return. DO NOT RETURN PRODUCT TO THE STORE BEFORE CONTACTING SUPPLIER. Any Product Warranty Claims must be directed to the manufacturer and Pep Boys assumes no liability.
- Unused Transportation Products will be accepted for return within seven (7) days of purchase if accompanied by a receipt and/or invoice. Unused Transportation Products are those which:
  - If purchased in original factory sealed packaging, are returned in the same condition, or
  - If purchased assembled, are returned with all parts, components, manuals, the original factory packaging and show no signs of use. Pep Boys reserves the right to determine if products show signs of use, which includes any gasoline or gasoline residue in the tank or engine, as well as any signs of damage or wear, and
  - Whether purchased in the original factory sealed packaging (#1 above) or assembled (#2 above), if the Product came with a Manufacturer's Statement of Origin ("MSO"), the MSO is returned along with the Product and the Product has not been titled, tagged, registered or licensed.

### MANUFACTURERS' LIMITED WARRANTY FOR TRANSPORTATION PRODUCTS

Defective Transportation Product will be repaired or replaced under the terms of the applicable manufacturer's warranty. Please refer to the owner's manual or contact the manufacturer/supplier for additional warranty details.

#### Do Not Return Product To The Store Before Contacting Supplier

Manufacturer/Supplier	Warranty coverage information	Toll Free Customer Service Numbers:
APC -	Limited 30 days	1-866-726-6871 9-5 PST
Bladez -	Limited 90 days	1-866-325-2339 9-5 PST
Electra -	Limited 30 days	1-888-467-1234 9-5 PST
Panterra -	Street Scooters Limited 90 days, all others Limited 30 days	1-877-464-5682 9-5 PST
Pep Pal/Mega Motion -	Limited 12 months	1-800-634-2308 9-5 PST
Rad 2 Go -	Limited 30 days	1-866-721-2466 9-5 PST
Razor -	Limited 90 days	1-866-467-2967 9-5 PST
Schwinn/Currie -	Limited 6 months	1-800-371-4532 9-5 PST
Yerf Dog -	Limited (Engine 12 months, Frame 90 days, Wear items 30 days)	1-888-926-6644 or 1-888-389-5522

- If the manufacturer/supplier cannot resolve a warranty issue without return of the Product, they will issue an RGA # (Return Goods Authorization) and direct you to use the RGA to return the product including all parts, charger, keys and manual/paperwork, to the Pep Boys store where the transportation product was originally purchased.
- ALL FUEL MUST BE REMOVED FROM GAS TANK PRIOR TO RETURNING PRODUCT TO PEP BOYS. IT IS THE CUSTOMER'S RESPONSIBILITY TO STORE OR DISPOSE OF ALL FUEL AND TO DO SO IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
- It is the customer's responsibility to obtain the RGA number PRIOR to returning the product to Pep Boys. Pep Boys cannot obtain RGA#s for returns.
- No returns will be accepted without an RGA number and confirmation e-mail from manufacturer. Note: (Razor products will NOT have an accompanying e-mail! Only a written RGA# is supplied by the manufacturer.)

Richard Gomez

Richard @ Mike USA

(RGA #)

Richard Gomez  
8663841071

563

**PAINTERA**

Page 45

Item No. 06037

# 90cc ATV

## GAS SCOOTER SPECIFICATIONS

Engine Type: Single Cylinder, Air Cooled, Four Stroke

Displacement (cc): 90cc

Compression Ratio: 9.0:1

Gas Tank (Gal): 1.1 Gal

Ignition Style: Cdi

Approximate Range / Tank (Miles Per Tank): 112mi

Brake HP (Max. Power Output): 4.5HP

Range: 100 Miles

Torque/RPM(Lbs\*ft): 5.8-6000

Brake (Fr/Re):Front Drum / Rear Disc

Starting: Electric

Tires: 19"x7/8"

Maximum Load Capacity (Lbs): 250Lbs

Maximum Speed (Mph):25mile/h

Wheelbase (Inch): 39"

Noise (DB): 80db

Weight (Lbs): 242 Lbs

Body Dimensions (Inch): 59"x32"x40"

050202CCC1432  
ATTACHMENT 6  
PAGE 1 OF 3

**NIKO**

Toll free: 1-877-NIKOTA  
16040 Stephens Street  
City of Industry, CA 91745  
telephone: 626.336.1128  
facsimile: 626.336.1189  
[www.NikotaUSA.com](http://www.NikotaUSA.com)



Page 46

050202CCC1432-ATTACHMENT 6  
PAGE 2 OF 3**PEPBOYS**  
**AUTO**

Parts, Service and So Much More

**Transportation Category Support Information****Toll Free Technical Support phone numbers, Email addresses and Web Site addresses:**

Razor	1-866-467-2967
Email	<a href="mailto:info@razorusa.com">info@razorusa.com</a>
Web	<a href="http://www.razor.com">www.razor.com</a>
Electra	1-866-299-2072, Puerto Rico 1-866-299-2071 (R. Hernandez)
Email	<a href="mailto:support@electrausa.com">support@electrausa.com</a>
Web	<a href="http://www.electrausa.com">www.electrausa.com</a>
Panterra	1-877-464-5682
Email	<a href="mailto:sales@panterramotors.com">sales@panterramotors.com</a>
Web	<a href="http://www.panterramotors.com">www.panterramotors.com</a>
APC	1-866-726-6871, Puerto Rico (909) 898-9340
Email	<a href="mailto:customer_service@4apc.net">customer_service@4apc.net</a>
Web	<a href="http://www.performancestyleattitude.com">www.performancestyleattitude.com</a>
Rad2Go	1-866-723-2466
Email	<a href="mailto:custserv@rad2go.com">custserv@rad2go.com</a>
Web	<a href="http://www.rad2go.com">www.rad2go.com</a>
Yerf Dog	1-888-926-6554 or 1-888-389-5522
Email	<a href="mailto:customerservice@yerfdog.com">customerservice@yerfdog.com</a>
Web	<a href="http://yerf-dog.com/index.html">http://yerf-dog.com/index.html</a>
BlazeZ	1-866-325-2339
Email	<a href="mailto:customerservice@cbladez.com">customerservice@cbladez.com</a>
Web	<a href="http://www.cbladez.com">www.cbladez.com</a>
Currie/Schwinn	1-800-377-4532
Email	<a href="mailto:sales@curriotech.com">sales@curriotech.com</a>
Web	<a href="http://www.curriotech.com/">http://www.curriotech.com/</a>
Mega Motion	1-800-634-2508
Email	None
Web	None
Manley Toys	1-800-767-9998
Email	<a href="mailto:customerservice@hondaminimoto.com">customerservice@hondaminimoto.com</a>
Web	<a href="http://www.hondaminimoto.com">www.hondaminimoto.com</a>
Pacific Cycles	1-800-626-2811
Email	<a href="mailto:CustomerService@pacific-cycle.com">CustomerService@pacific-cycle.com</a>
Web	<a href="http://www.pacific-cycle.com/">http://www.pacific-cycle.com/</a>
Baja	1-888-863-2252
Email	Coming Soon.
Web	<a href="http://www.bajamotorsports.net">www.bajamotorsports.net</a> (Under Construction - Coming Soon)

050202CCC1432  
ATTACHMENT 6  
PAGE 3 OF 3



[Fit](#)  
[Careers](#) [Site Map](#)

- Shop Online
- Learning Center
- Parts & Supplies
- Service & Repair
- Tires & Wheels
- Scooters, ATVs & More
- Commercial Sales
- About Pep Boys
- Customer Feedback

## TRANSPORTATION

[Home](#) / [Transportation](#) / [ATVs](#)

### ATVs



**90 Days  
Same-  
As-Cash**



**Expert Service  
Everyday**  
OPEN 7 DAYS, 8 HOURS

**Top Quality Parts**



**Panterra**  
**90cc ATV**  
SKU 9265132  
Part #06037



**APC**  
**90cc ATV**  
SKU 9287862  
Part #609077



**APC**  
**250cc ATV**  
SKU 9296044  
Part #609075

### At Your Service

[Return to Main](#)  
[Product Specs](#)  
[Technical Help &  
Information](#)  
[Safety Recomm](#)

[Back to Previous Page](#)

[Back to Top](#)

[Back to Home](#)

[FAQs](#) [Contact Us](#) [Site Map](#) [Terms of Use](#)

©1999-2004 Pep Boys

**CASE NUMBER**  
**0501-0705**

INCIDENT TYPE		CNT		UCR CODE		UCR DESCRIPTION									
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>FOUR WHEELER ON FIRE</b> </div> <div style="width: 55%;"></div> </div>															
EVENT	LOCATION ADDRESS			ZONE		PREMISE TYPE									
	595 RIVER NORTH BLVD.					<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>HIGHWAY</td> <td>SVC STATION</td> </tr> <tr> <td>CONVENIENCE STORE</td> <td>BANK</td> </tr> <tr> <td>COMMERCIAL</td> <td>RESIDENCE</td> </tr> <tr> <td>SCHOOL/CAMPUS</td> <td>ALL OTHERS</td> </tr> </table>		HIGHWAY	SVC STATION	CONVENIENCE STORE	BANK	COMMERCIAL	RESIDENCE	SCHOOL/CAMPUS	ALL OTHERS
	HIGHWAY	SVC STATION													
	CONVENIENCE STORE	BANK													
COMMERCIAL	RESIDENCE														
SCHOOL/CAMPUS	ALL OTHERS														
INCIDENT DATE    TIME    DATE    TIME    STRANGER TO STRANGER    DISCOVERED BY															
01/25/2005    1830    TO    01/25/2005    1655    YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK <input type="checkbox"/>					<input type="checkbox"/> Officer On Patrol <input type="checkbox"/> Reporting Party <input type="checkbox"/> Private Security <input type="checkbox"/> Alarm <input type="checkbox"/> Complaint										
DAY OF THE WEEK (INCIDENT)															
<div style="display: flex; justify-content: space-around;"> <div style="display: flex; align-items: center;"> <input type="checkbox"/> SUN <input type="checkbox"/> MON <input checked="" type="checkbox"/> TUE <input type="checkbox"/> WED <input type="checkbox"/> THUR <input type="checkbox"/> FRI <input type="checkbox"/> SAT <input type="checkbox"/> SUN <input type="checkbox"/> UNK </div> <div style="display: flex; align-items: center;"> WEAPON TYPE  <input type="checkbox"/> GUN    <input type="checkbox"/> KNIFE    <input type="checkbox"/> HANDGUNS, ETC.  <input type="checkbox"/> OTHER    <input type="checkbox"/> UNKNOWN </div> </div>															
PROPERTY TOTALS	01 - VEHICLES		02 - CURRENCY, NOTES, ETC.		03 - JEWELRY, PREC. METALS		04 - FURS								
	STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>								
	05 - CLOTHING		06 - OFFICE EQUIP.		07 - TV, RADIO, ETC.		08 - HOUSEHOLD GOODS								
	STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>								
09 - FIREARMS		10 - CONSUMABLE GOODS		11 - LIVESTOCK		12 - OTHER									
STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>									
						TOTALS <input type="checkbox"/> THEFT DATE <input type="checkbox"/>									
						RECOVERY DATE <input type="checkbox"/>									
DRUG	DID INVESTIGATION INDICATE THAT THIS INCIDENT WAS DRUG-RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						DID INVESTIGATION INDICATE THAT INCIDENT WAS GANG RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO								
	IF YES, PLEASE INDICATE THE TYPE OF DRUG(S) USED BY OFFENDER														
	DRUG 1 <input type="checkbox"/>		DRUG 2 <input type="checkbox"/>		DRUG 3 <input type="checkbox"/>		DRUG 4 <input type="checkbox"/>								
	DRUG 5 <input type="checkbox"/>		DRUG 6 <input type="checkbox"/>		DRUG 7 <input type="checkbox"/>		DRUG 8 <input type="checkbox"/>								
STATE	OCA <input type="checkbox"/> ENTRY <input type="checkbox"/> CANCEL <input type="checkbox"/> CLEARANCE <input type="checkbox"/>				CASE STATUS ACTIVE <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EX CLEARED <input checked="" type="checkbox"/> UNFOUNDED <input type="checkbox"/> INACTIVE <input type="checkbox"/>										
	PERSON <input type="checkbox"/> WARRANT <input type="checkbox"/> VEHICLE <input type="checkbox"/> ARTICLE <input type="checkbox"/> BOAT <input type="checkbox"/> GUN <input type="checkbox"/>														
ADMINISTRATION	ARREST AT OR NEAR OFFENSE SCENE		TOTAL NUMBER ARRESTED		DATE OF REPORT		ADULT <input type="checkbox"/> JUVENILE <input checked="" type="checkbox"/>								
	YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/>		01/25/2005										
	EVIDENCE COLLECTED? <input type="checkbox"/>		COMPLAINT UNFOUNDED? <input type="checkbox"/>		FOLLOW UP - PATROL? <input type="checkbox"/>		CLEARANCE DATE								
	PRINTS TAKEN? <input type="checkbox"/>		WILLING TO PROSECUTE? <input type="checkbox"/>		FOLLOW UP - DETECTIVES <input type="checkbox"/>		01/25/2005								
BIO/DNA EVIDENCE? <input type="checkbox"/>						CASE STATUS									
						EXCEPT. CLEARED									
REPORTING OFFICER		511		JAMES CLARK		REVIEWED BY									
APPROVING OFFICER						564									
APPROVED DATE						REVIEWED DATE									
						01/27/2005									
						DIVISION ASSIGNED									
						ASSIGNED DATE									
						INVESTIGATOR ASSIGNED									
						ASSIGNED DATE									

03/07/05 15:45 FAX 478 986 3475

JONES COUNTY SHERIFF

003

AGENCY ID  
GA0840000

Page 49

## JONES S.O. INCIDENT REPORT

050202CCC1432 ATACH 7  
PAGE 2 OF 3CASE NUMBER  
0501-0705

PERSONS

<input checked="" type="checkbox"/> COMPLAINANT	<input type="checkbox"/> VICTIM	<input type="checkbox"/> WITNESS	<input type="checkbox"/> OFFENDER	<input type="checkbox"/> PRIMARY AGGRESSOR	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> RAPE VICTIM
NAME <b>PETTIS, MICHEAL</b>					TYPE	
ADDRESS <b>1097 ATAGAH I TRAIL</b>					EMP.	
CITY <b>MACON</b> ST <b>GA</b> ZIP <b>31217</b>					SCHOOL	
SSN		RACE	HEIGHT	HAIR	PHONE	
DOB		AGE	SEX	WEIGHT	CELL	
MISSING <input type="checkbox"/> DEAD/UNIDENTIFIED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> RETURNED <input type="checkbox"/> WANTED <input type="checkbox"/> SUSPECT <input type="checkbox"/> WARRANT <input type="checkbox"/> ARRESTED <input type="checkbox"/>						
OFFENSE DATE		ARRESTING AGENCY		ORI <b>GA0840000</b>		GCIC CLASS. NO.
ARREST DATE		ARREST TIME		ARREST / AT NEAR		OFFENDER TRACK NO.

## CHARGES

PERSONS

<input type="checkbox"/> COMPLAINANT	<input type="checkbox"/> VICTIM	<input type="checkbox"/> WITNESS	<input type="checkbox"/> OFFENDER	<input type="checkbox"/> PRIMARY AGGRESSOR	<input checked="" type="checkbox"/> JUVENILE	<input type="checkbox"/> RAPE VICTIM
NAME <b>***JUVENILE***</b>					TYPE	
ADDRESS					EMP.	
CITY ST ZIP					SCHOOL	
SSN		RACE	HEIGHT	HAIR	PHONE	
DOB		AGE	SEX	WEIGHT	CELL	
MISSING <input type="checkbox"/> DEAD/UNIDENTIFIED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> RETURNED <input type="checkbox"/> WANTED <input type="checkbox"/> SUSPECT <input type="checkbox"/> WARRANT <input type="checkbox"/> ARRESTED <input type="checkbox"/>						
OFFENSE DATE		ARRESTING AGENCY		ORI <b>GA0840000</b>		GCIC CLASS. NO.
ARREST DATE		ARREST TIME		ARREST / AT NEAR		OFFENDER TRACK NO.

## CHARGES

GENERAL MO ( At Time of Occurrence of Crime )



AGENCY ID  
GA0840000

Page 50

## JONES S.O. INCIDENT REPORT

CASE NUMBER  
0501-0705

## NARRATIVE

Narrative Type

NARRATIVE

Reporting Officer

511 JAMES CLARK

Statement Date Time

01/25/2005

I WAS DISPATCHED TO 595 RIVERNORTH BLVD. TO INVESTIGATE A FOUR WHEELER ON FIRE. THE FOUR WHEELER WAS A CHRISTMAS GIFT TO MR PETTIS SON. JUVENILE SAID HE WAS DRIVING HIS FOUR WHEELER ON THE SIDE OF THE ROAD WHEN HE NOTICED HEAT AND THEN SAW FIRE HE STOPPED AND GOT OFF OF HIS FOUR WHEELER AND CALLED FOR HELP. PURCHASED PRICE WAS 899.00.

050204CCC1435

ATTACHMENT 7 PAGE 3 of 3

**ATTACHMENT 8 –**

**Task Number: 050202CCC1423**

**Date: 3/09/2005**

**Status of Missing Document(s)**

The official records below were requested for this investigation report, but could not be obtained.

1. fire report
- 2.
- 3.
- 4.
- 5.